CASE OF

CHRIST CHURCH,

GERMANTOWN, PA.

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Philadelphia: Christ Church (Germantown)

CASE

OF

CHRIST CHURCH,

GERMANTOWN, PHILADELPHIA.

BEING A REPORT OF THE PROCEEDINGS BEFORE THE

BOARD OF PRESBYTERS,

IN REFERENCE TO THE APPLICATION OF

A Majority of the Vestry of said Church,

FOR A

DISSOLUTION OF THE PASTORAL CONNECTION.

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HISTORY OF THE CASE.

PRELIMINARY STATEMENT.

Christ Church, Germantown, was organized in 1852, and was incorporated in 1853. In the year 1854 the Rev. A. B. Atkins was elected Rector. In June, 1869, having previously had differences with some of his congregation, he resigned. The Rev. J. Newton Stanger was called to fill the rectorship temporarily, and remained for nearly a year. On September 7th, 1869, the Rev. Dr. Rumney, among others, was nominated as Rector. In December, 1869, the Rev. W. S. Langford was unanimously elected Rector, but declined to come. In February, 1870, the Rev. Dr. Rumney was unanimously elected. He visited the parish, and in the following April, signified his acceptance. On May 1st, 1870, he came to Germantown, and was very favorably received. Soon after the Vestry election of 1871, a committee of the Vestry, appointed to confer with the Rector on the well being of the parish, insisted that he should resign. No charges were made against him, or any grounds alleged, except that he was not sufficiently "Low Church." A majority of the congregation desired him not to resign. He declined to resign. In June, 1871, Bishop Stevens, after hearing an *ex parte* presentation of the case, recommended his resignation. A few weeks afterwards, after hearing the other side, he changed his opinion. On September 30th, 1871, the Bishop wrote a letter sustaining the Rector. In October, 1871, at the General Convention

of the Protestant Episcopal Church in the United States, sitting in Baltimore, Canon 4, Title II, of the General Canons of the Church, as amended, entitled "Of differences between Ministers and their Congregations, and of the dissolution of a Pastoral connection," was passed, to go into effect on January 1st, 1872. On Monday, January 2d, 1872, the Committee of the Vestry made application, in the absence of the Bishop, to the Rev. Dr. Morton, President of the Standing Committee of the Diocese of Pennsylvania, for the appointment of a Board of Reference under the Canon. The correspondence which ensued, and the proceedings and arguments before this Board, will show the constitution of the tribunal, and the positions taken on each side.

The amended Canon of 1871, is as follows:

CANON IV.

Of Differences Between Ministers and their Congregations, and of the Dissolution of a Pastoral Connection.

§ I. In case of a controversy between any Rector or Assistant Minister of any church or parish, and the vestry or congregation of such church or parish, which cannot be settled by themselves, the parties, or either of them, may make application to the Bishop of the diocese, who shall thereupon notify each of the contesting parties to furnish him with the names of three presbyters of the diocese. The Bishop shall add to them the names of three other presbyters, and the whole number shall then be reduced to five by striking off the names alternately by each of the contesting parties. Should either party refuse or neglect to name three

presbyters or to strike from the list as aforesaid, the Bishop shall act for the parties so refusing or neglecting. And in all the proceedings aforesaid the vestry or congregation, as the case may be, shall be represented by some layman of their number duly selected by them for the purpose. *Provided*, That the party or parties applying as above shall first give the Bishop satisfactory assurance of compliance with whatever may be required of them as the final issue of such proceedings.

§ II. The five presbyters thus designated shall constitute a Board of Reference to consider such controversy, and if after hearing such allegations and proofs as the parties may submit, a majority of the presbyters shall be of opinion that there is no hope of a favorable termination of such controversy, and that a dissolution of the connection between such Rector or Assistant Minister and his parish or congregation is necessary to restore the peace of the church, and promote its prosperity, such presbyters shall recommend to the Bishop that such minister shall be required to relinquish his connection with such church or parish, on such conditions as may appear to them proper and reasonable.

§ III. If any Rector or Assistant Minister shall refuse to comply with the recommendation of the Bishop and presbyters, the Bishop shall proceed to forbid him the exercise of any ministerial functions within the diocese until he shall retract his refusal, or if the vestry or congregation shall refuse to comply with any such recommendation, they shall not be allowed any representation in the Diocesan Convention until they shall have retracted their refusal.

§ IV. When there is no Bishop, the President of the Standing Committee of the diocese shall perform all the duties herein allotted to the Bishop; *provided* that he shall not exercise any power under the preceding third section without the aid and consent of some Bishop of this Church.

§ V. The preceding sections of this canon shall not be obligatory upon any diocese which has made, or shall hereafter make, provision by canon, upon this subject.

§ VI. In case a minister, who has been regularly instituted and settled in a parish or church, be dismissed by such parish or church without the concurrrence of the Ecclesiastical Authority of the diocese, the vestry or congregation of such parish or church shall have no right to a representation in the Convention of the Diocese until they have made such satisfaction as the Convention may require. But the minister thus dismissed shall retain his right to a seat in the Convention, subject to the approval of the Ecclesiastical Authority of the diocese. And no minister shall leave his congregation against their will, without the concurrence of the Ecclesiastical Authority aforesaid; and if he shall leave them without such concurrence, he shall not be allowed to take his seat in any Convention of this Church, or be eligible into any church or parish until he shall have made such satisfaction as the Ecclesiastical Authority of the diocese may require; but the vestry or congregation of such parish or church shall not be thereby deprived of its right to a representation in the Convention of the diocese.

§ VII. In case of the regular and canonical dissolution of the connection between a minister and his congregation, the Bishop, or if there be no Bishop, the Standing Committee, shall direct the Secretary of the Convention to record the same. But if the dissolution of the connection between a minister and his congregation be not regular or canonical, the Bishop or Standing Committee shall lay the same before the Convention of the diocese, in order that the above-mentioned penalties may take effect.

§ VIII. This canon shall not be obligatory in those dioceses with whose canon laws or charter it may interfere.

The following correspondence was had in reference to the appointment of the Board of Reference.

Rev. H. J. Morton, D. D.,

Pres't Standing Committee of the Diocese of Pennsylvania.

Rev. and Dear Sir:—The undersigned were appointed on the second day of May last, by the Vestry of Christ Church, Germantown, a committee to confer with the Rector on "the well being of the Parish."

Personal interviews and communications having failed to settle existing difficulties between the Rector and a large portion of the congregation, the enclosed resolution was passed by the Vestry on the 5th September last.

In performance of the duty assigned the Committee by said resolution, they waited upon the Bishop of the Diocese, and after fully explaining the whole case, were informed by him that Judge Ludlow's recent decision in the St. Clement's Church case had tied his hands, and he saw no prospect of relief so long as that decision remained in force, unless the General Convention, about to assemble, passed a canon (which he thought they would do) to meet just such cases as that presented by us.

The General Convention having taken action by the passage of Canon IV. on the Differences between Ministers and their Congregations, to go into effect January 1st, 1872, we now make formal application to you as President of the Standing Committee, in the absence of the Bishop, to perform such acts under that canon as are therein assigned to the Bishop of the Diocese.

Very respectfully yours,

W. C. HOUSTON,
CHAS. SPENCER,
JOSEPH W. LEWIS,
W. B. WHITNEY, *Committee.*

January 2, 1872.

The following was enclosed in the foregoing letter:

At a meeting of the Vestry of Christ Church, Germantown, held 1st September, 1871, the following resolution was passed:

"*Whereas*, The Vestry of Christ Church, Germantown,

desire the dissolution of the pastoral relation of the Rev. Theo. S. Rumney, D. D., to said Church,

"*Therefore, resolved*, That the Committee which was appointed to confer with the Rector on the well being of the Parish, be authorized to lay their report and accompanying papers before the ecclesiastical authority of the Diocese, asking their counsel and advice as to the proper course to be pursued.

Attest—CHARLES LE BOUTILLIER.
Secretary.

PHILADELPHIA, *January* 13, 1872.

REV. DR. RUMNEY,

REV. AND DEAR SIR:—Will you send me the "assurance" of your "compliance with whatever may be required of you, as the final issue of the proceedings" in the case under consideration?

Very respectfully and truly yours,
HENRY J. MORTON,
President of Standing Committee.

A similar note was addressed to the Committee of the Vestry.

RECTORY OF CHRIST CHURCH,
GERMANTOWN, *January* 15, 1872.

REV. HENRY J. MORTON, D. D.,
President of the Standing Committee.

REV. AND DEAR SIR:—I have to-day received your communication requesting the "assurance" from me of "compliance," &c., and now beg to assure you that I am ready to comply with whatever may be required of me as the final issue of such proceedings, according to Article 1st of Canon IV.

Very truly yours,
THEODORE S. RUMNEY.

REV. H. J. MORTON, D. D.,
President of the Standing Committee.

REV. AND DEAR SIR:—In accordance with the desire expressed in your note of 13th inst., we hand you, as annexed, the "necessary assurance."

Very respectfully,
W. C. HOUSTON,
Chairman Committee.

January 19, 1872.

Whereas there is a controversy between the Vestry of Christ Church, Germantown, and the Rev. Theodore S. Rumney, D. D., present Rector of the said Church, and the Vestry have made application to the ecclesiastical authority of the Diocese of Pennsylvania, under and in pursuance of Canon IV., "Of differences between Ministers and their Congregations, and of the dissolution of the pastoral connection," we do hereby agree to perform all that may be legally required of us under and by virtue of the provisions of said Canon.

W. C. HOUSTON,
CHAS. SPENCER,
JOSEPH W. LEWIS,
W. B. WHITNEY, *Committee.*

PHILADELPHIA, 22 *January*, 1872.

REV. AND DEAR SIR:—Please furnish me with the names of three Presbyters of this Diocese, whom you will select as judges in the approaching investigation.

Very truly yours,
H. J. MORTON.
President of Standing Committee.

REV. DR. RUMNEY,

A similar note was sent to the Committee of the Vestry.

RECTORY OF CHRIST CHURCH,
GERMANTOWN, *January* 24, 1872.

REV. DR. MORTON,

REV. AND DEAR SIR:—I nominate "as judges in the approaching investigation," gentlemen who have known my manner of life for nearly two years last past:

The Rev. J. D. W. Perry, Rector of Calvary Church; the Rev. Albra Wadleigh, Rector of St. Luke's Church; the Rev. J. K. Murphy, Rector of St. Michael's Church.

Respectfully and truly yours,
THEODORE S. RUMNEY.

Rev. H. J. Morton, D. D.,
President of Standing Committee.

Rev. and Dear Sir:—In reply to your note "to furnish you with the names of three Presbyters of the Diocese," we name, Rev. D. R. Goodwin, D. D., Rev. D. S. Miller, D. D., Rev. Chas. D. Cooper, and are

Very truly yours,
W. C. HOUSTON.
Chairman of Committee.

Philadelphia, *February*, 1, 1872.

Philadelphia, *February* 2, 1872.

Rev. and Dear Sir:—The Committee of the Vestry of Christ Church, have named; Rev. D. R. Goodwin, D. D., Rev. D. S. Miller, D. D., Rev. Chas. D. Cooper.

I nominate, Rev. Thos. C. Yarnall, D. D., Rev. F. W. Beasley, D. D., Rev. T. F. Davies, D. D.

It is your privilege, as I understand, to strike off two names from the list. Please do so, and let me know the result.

Very truly yours,
HENRY J. MORTON,
President of Standing Committee.

A note of similar import was sent to the Committee.

Rectory of Christ Church,
Germantown, *February* 2, 1872.

Rev. Dr. Morton,

Dear Sir:—Your favor, giving me the names of clergymen appointed by you and the Committee to serve in the coming investigation, was received to-day.

In accordance with your request, I strike off two from the list, the Rev. Dr. Goodwin and the Rev. Mr. Cooper.

Respectfully and truly yours,
THEODORE S. RUMNEY.

Rev. H. J. Morton, D. D.,

Rev. and Dear Sir:—In reply to your note of 2d inst., I am requested by the Committee of Christ's Church, Germantown, to say that they have decided upon striking from the Rev. Dr. Rumney's list, the names of Rev. A. Wadleigh, and Rev. J. K. Murphy.

Very truly yours,
W. C. HOUSTON,
Chairman.

February 6, 1872.

FIRST DAY'S PROCEEDINGS.

The Board of Presbyters held their first meeting at the Episcopal Rooms, No. 708 Walnut street, in the City of Philadelphia, on Saturday, February 10th, 1872, at 12 o'clock M.

The Rev. Henry J. Morton, D. D., opened the meeting with prayer. He then stated that an application had been made to him by a Committee of the Vestry of Christ Church, Germantown, for the appointment of a Board of Reference; that nine Presbyters had been named; that the names of four had been stricken off, in conformity with the canon, and the Board reduced to five, namely: Rev. F. W. Beasley, D. D., Rev. Thos. C. Yarnall, D. D., Rev. Daniel S. Miller, D. D., Rev. Thomas F. Davies, D. D., and the Rev. J. De W. Perry, all of whom were present.

Rev. Dr. Morton then withdrew, and the Board organized by the selection of the Rev. Dr. Beasley, as chairman, and the Rev. Mr. Perry, as secretary.

After a private consultation between the members of the Board, the chairman announced that they had agreed upon the following, viz.:—

1. That the sessions of the Board should be public.

2. That counsel, clerical or lay, might be admitted, but that each side should be represented by two persons only.

Lewis D. Vail and William S. Price, Esquires, appeared as counsel for the Vestry.

The Rev. J. Andrews Harris, appeared as clerical advocate for the Rector, and George M. Conarroe, Esquire, as counsel for the Rector.

Mr. Conarroe asked what grounds were alleged by the Vestry for a dissolution of the pastoral connection, and stated that it was necessary for him to at least hear some statement from the Vestry, before an answer could be framed or any issue raised.

Mr. W. B. Whitney, one of the Committee of the Vestry, then read the following:—

STATEMENT

OF THE

VESTRY OF CHRIST CHURCH, GERMANTOWN, REGARDING THEIR CONTROVERSY WITH THE RECTOR.

The Committee of the Vestry of Christ Church, Germantown, appointed to lay before you the circumstances which have changed that once flourishing parish to a paralyzed condition, are of opinion that they can best effect their object by a simple narrative of the life of the Church from its foundation to the present time.

They propose to show you the causes which led to the foundation of the Church, the progress of the Church under its first Rector, and its condition at the time of Dr. Rumney's election; and then to lay before you the melancholy differences between Rector and Vestry, including the full correspondence between them, concluding by a comparison of the state of the Church, as to its contributions and its parochial work, during the rectorships of Mr. Atkins and Dr. Rumney respectively. Their aim being to show the expediency of a change of Rector; their means, the simplest possible exhibition of the facts.

First, then, they desire to call your attention to the following narrative of the foundation of the Church, prepared by one of the corporators, and acquiesced in by the surviving members of the original corporation; as witness their signatures:

The undersigned Incorporators and Members of the Vestry at the organization of the Parish known as Christ Church, Germantown, familiar with the causes which induced that organization, desire to record the same.

Christ Church, Germantown, was originated by Mr. P. E. Hamm, long a Member and Warden of Grace Church, Philadelphia.

At the period referred to above, St. Luke's was the only Parish in Germantown, and Mr. Hamm, who for years had been identified with the Low Church party, having consulted with a number of his friends holding like views, determined upon applying to the proper authorities and in the regular way, for a charter granting to him and his colleagues the right and privilege of forming a new Parish. Just previous to this a Sunday School had been organized in the Dunkard's Meeting House, on the Main Street opposite Tulpehocken Street, and here occasional services were held the Rev. Mr. Goddard and other clergymen of his views, and at the request of the originators of this new enterprise.

At the convention, when the application for a charter was brought up, some objection was made by Dr. Ducachet, supposed to be in the interest of St. Luke's Parish, that such an organization would trespass on the rights of the old Parish; Bishop Potter, however, decided that the law did not apply here as in England as to jurisdiction, and the charter was granted.

Mr. Hamm went to work, contributing liberally of his means and obtaining liberal subscriptions from his friends of like Church views as himself, to the new Parish, and his efforts were crowned with success, and the Church was known and recognized as the representative of the Evangelical Party in the Church.

To show the distinctive character of this Parish, its thorough identification with the Low Church Party, it is only necessary to state, that the first to whom a call was extended was the Rev. Mr. Bancroft, of Canada East, well known for his decided Low Church views, after him, Dr. Watson, at present Rector of the Church of the Atonement, then Mr. Walsh who was connected with the Church of the Epiphany in Philadelphia, and finally Mr. Atkins, whose Low Church tendencies none can question.

Such being the status on which the Church was organized and carried on to completion, it has given the undersigned much pleasure to notice, that from its inception until within

a recent period, clergymen holding the views of those who founded the Parish, have, with few exceptions, and then in cases of emergency officiated, and its funds have been abundantly and freely given to sustain the various objects put forth by that portion of the Church known as the Low Church party.

ALFRED R. POTTER,
G. M. TROUTMAN,
E. W. LEHMAN,
J. B. CHAMPION,
THOMAS EARP,
B. G. GODFREY,
THEODORE S. WILLIAMS.

PHILADELPHIA, *January* 17, 1872.

The cause of the foundation of Christ Church was, as you have seen, the absence of a church in Germantown of evangelical views. It was intended as a supply to this want, and has always been so known. The history of the Church for all the time of its existence until the year 1870, presents a uniformly evangelical character. The Vestry was always united on this point, and the evangelical societies were invariably supported in the educational and missionary work, while from the pulpit, the views of the evangelical branch of the Church were always promulgated whether from the mouth of the Rector, or from those well-known and highly esteemed fathers of the Church, Bishops McIlvain and Bedell of Ohio, Johns of Virginia, Lee of Delaware, and Eastburn of Massachusetts, or from Presbyters scarcely less known—Drs. Newton, Nicholson, Suddards; Rev. Messrs. Brooks, Cooper, Dudley A. Tyng, and many others, whose solemn words of admonition and counsel dwell forever in the hearts of their hearers, though so long strange to their ears.

Under these conditions the records of the Parish show great and increasing prosperity. Year by year the congregations became larger and larger, and more homes annually were blessed with gospel influences, while the Sunday school

became the largest of the town, and an instrument of highly esteemed advantage to the community. Grace Chapel, Mount Airy, was established and nourished until it came to maturity, and is now a useful and growing independent Church. Centre Mission raised the Sunday school banner in one of the most neglected parts of the town and did great good for the Church; nor was it at home only that Christ Church's influence was felt; a mission chapel was built on the west coast of Africa, by its Sunday school, and a Missionary supported by it labored earnestly for Christ under the equator.

For fifteen years, then, Christ Church held on its prosperous way, unruffled by the waves of polemical discussion and devoting all its energy to its work of evangelization.

In the year 1869, however, the Rev. Mr. Atkins received a call from St. John's Church, Georgetown, D. C., which he felt it his duty to accept, and therefore tendered his resignation, to take effect on the 31st of July. His resignation was accepted, and the Vestry proceeded, on the 7th of September following, to nominate a successor.

The first nominations made on that evening, may be noticed as showing what sort of a Rector was desired. Dr. Canfield of Brooklyn, Revs. O. Perinchief, C. C. Tiffany, J. Newton Stanger, Drs. Washburn and Rumney.

The last named gentleman received one vote, Mr. Tiffany one, Dr. Canfield two, and J. Newton Stanger seven, at the regular meeting in October. There having been an arrangement that nine votes should be necessary to an election, this, the first ballot, was without result. Other nominations were then made, but no further ballots were cast, and the matter was laid over to the November meeting. In the meantime, a member of the Vestry received information that Dr. Rumney was inclined towards the High Church, and as the information came from an excellent source, he communicated it formally to the members of the Vestry.

This communication caused the name of Dr. Rumney to be dropped, and the succeeding meetings show that he was not ballotted for. The November meeting resulted in

nothing, and was adjourned to the Tuesday following, when, with several others, Rev. W S. Langford, of Englewood, N. J., was nominated, but no ballot cast.

At the December meeting additional nominations were made, but on the first ballot Mr. Langford was unanimously elected. During all this time the Parish was under the care of Rev. J. N. Stanger, and so remained until the election of Dr. Rumney.

Mr. Langford declined the call of the Vestry; his decision being announced at the stated meeting in January, 1871; but so strong was the desire of the Vestry to have him as Rector, that they renewed the call and unanimously signed a letter, urging him to reconsider the matter and accept the Rectorship. Mr. Langford, however, proved firm in his resolution, and the Vestry were obliged to accept his decision, which they did with great regret. The special meeting to receive Mr. Langford's second communication, on the 18th of January, as well as the regular meeting of February, resulted in nothing. Several ballots were cast on each occasion, but no approach to an election was made. Very soon after this February meeting, Messrs. H. H. Houston and Crenshaw *were not appointed* but *constituted themselves* a committee to go to White Plains to see and hear Dr. T. S. Rumney, who had been nominated on the 7th of September, preceding, but had been dropped as you have seen. Messrs. H. H. Houston and Crenshaw called a meeting of the Vestry immediately on their return to Germantown, when they *revived* the nomination of Dr. Rumney, and pressed it strongly, stating that they had heard him preach, and had been delighted with his sermon, and was satisfied that he was the man for the place.

Now among the Vestry, Dr. Rumney was entirely unknown, and the gentleman, who had made the communication concerning him, was from home—travelling in Europe. Anxious questions were of course addressed to the only present source of information, by Vestrymen who had been for years identified with the Church, and Messrs. Houston

and Crenshaw were requested to state what they knew of him. One gentleman, ignorant that in the opinion of Dr. Rumney's nominator, "a clergyman of higher Church views was desirable as Rector of Christ Church," inquired concerning Dr. Rumney, in the conversation following:

Is Dr. Rumney an evangelical man as we Low Churchmen understand it?

Ans.—Yes.

Is Dr. Rumney willing to support the evangelical societies, and only those; as it has been the invariable practice of Christ Church to support?

Ans.—Yes.

There are several points in the character of Christ Church Vestry, which when understood, will explain the extraordinary action about to be recorded.

1st. The Church was so positively, and *by definition*, evangelical that no attempt in any other direction was apprehended, nor would the above question have been put except on account of a recollection of the previous communication on the subject.

2d. There had subsisted for years in the Vestry the best possible understanding and a feeling of mutual confidence and esteem so fully possessed their minds, that the word of a member was a customary guarantee of any unknown or little known measure. The Vestry then, wearied out with many meetings, numerous nominations and useless ballots, and hearing from their fellow-members an account so glowing of Dr. Rumney's sermon, and so positive an affirmative answer to the exhaustive questions put to them, proceeded to elect Dr. Rumney, unseen, unheard, unknown!

The call was immediately communicated to Dr. Rumney, and on the 5th of April following his acceptance was received.

On the 1st of May, he came into residence in Germantown, amid the prayers and good wishes of an earnest people, delighted that they had again a Rector, and eager to resume in a regular manner their much-loved work in the Parish.

They hoped that the most prosperous days of the Church were to be renewed, and that other and greater benefits were to result to the community from the revived influence of Christ Church. But alas! this feeling did not continue.

Trifling causes of irritation increasing day by day, as is the nature of all human misunderstanding, soon developed the fact that there was a growing want of harmony between Church and Rector. A very short time served to show that Dr. Rumney was not "an evangelical man as we Low Churchmen understand it," and that he was not willing to support those evangelical societies which it had been the invariable practice of Christ Church to support. Clergymen filled the pulpit under Dr. Rumney's auspices, in his exchanges and occasional absences, who had never before addressed the congregation of Christ Church, and who were different entirely in their views from their dearly-loved preachers. Innovations were introduced in the Parish which were not approved by either the Vestry or the pew-holders, and it began to be discovered that the Vestry did not govern the Church, but that their wishes were unsought or disregarded, while all measures were conducted by the Rector and several of his arbitrarily-chosen counsellors. The people began to feel uncomfortable and strange in their own Church-home, and whispers grew into loud murmurs, inquiring whether there was no remedy for the strange evil, or must they really abandon the sanctuary, hallowed by so many years of happy worship.

Nor was this dissatisfaction unknown to that small minority of the congregation which supported Dr. Rumney, as sympathizing with his nominator in the opinion that a "a higher order of churchmanship was desirable in the Rector of Christ Church." They saw the rising storm and made their decision at once. If these people do not like Dr. Rumney let them go elsewhere. It is no matter that the Church was especially founded for an Evangelical Church; it is no matter that these people built the Church and for fifteen years maintained it and did so excellent a work in

the Parish; it is no matter that they are in the majority, and that we come here only for convenience, in point of distance or other such reason, and are not in sympathy with the principles on which the Church was founded—All these things matter not! *Dr. Rumney is the Rector, and if they are not satisfied with him let them go elsewhere.*

The Easter election of 1871 was now approaching. Here was an opportunity to commence their work. The first step was of course to obtain a Vestry suited to their purpose. A ticket was printed with the heading "To support the present Rector of Christ Church," and this with the following printed circular was sent to every voter.

GERMANTOWN, *April* 7, 1871.

DEAR SIR:

We regret to learn that a Ticket has been circulated in the Parish with our names upon it, together with some others of our friends, who are avowedly opposed to our present Rector.

While we would cheerfully vote for all or either of the gentlemen whose names are upon that ticket, were they disposed to support Dr. Rumney, whom we know to be exerting his energies and Christian influence successfully and with entire satisfaction to a large majority of the Congregation, we cannot consent to aid in the opposition to harmony in the Church by this use of our names.

In addition to this, we are placed as Candidates on a ticket composed of parties friendly to Dr. Rumney, and we cannot consistently appear as friends and opponents of the same cause.

We enclose you a ticket which we would earnestly ask you to support at the election to be held on Easter Monday, between 4 and 8 P. M. This we do as a solemn duty, feeling convinced that by this you will promote the best interest of Christ Church Parish.

Respectfully and truly yours,

H. H. HOUSTON.
S. B. KINGSTON.

VESTRY

To support the present Rector of Christ Church, Germantown.

H. H. Houston,	M. Maris,
S. B. Kingston,	Richard Torpin, Jr.,
M. S. Shapleigh,	C. Bullock,
E. A. Crenshaw,	E. Bedlock,
Jacob Clark,	J. B. Barry,
J. A. Schaeffer,	S. K. Killé.

The most urgent and repeated personal persuasion was also put in force to induce the voters to displace the *very Vestry* which had elected Dr. Rumney, to displace the Vestry which had so long and faithfully supported the Church! It was necessary then in the opinion of these gentlemen that the oldest Vestrymen of the Church should be ejected in order that Dr. Rumney be supported! That the gentlemen who had for fifteen years so ardently supported Mr. Atkins with work in the Sunday Schools, and the Missions as well as in the payment of the bills and the collections should be ejected in order that Dr. Rumney be supported! Had Vestrymen changed the opinions of their lives? Had they adopted new principles of action? No, gentlemen. *A new line of policy was to be inaugurated, and new men were required to carry it out.*

The result of this election, in which every effort had been made to secure a majority, shows in the plainest and most unmistakable manner the decision of the voters as to whether they did or did not wish to support the "present Rector." The pew-holders of Christ Church on that occasion recorded their wishes in no feeble or uncertain manner. Of forty-eight votes, thirty were found to be in favor of the old system, and the old men. Eighteen were willing to support the present Rector!

The ticket so triumphantly elected changed but two names from the preceding Vestry. The Church voted 30 to 18 to leave out Messrs. Shapleigh and Crenshaw, and to substitute Messrs. J. W. Lewis and W. B. Whitney.

In view of all the circumstances, the new Vestry, in their first meeting after their organization, viz.: on the 2d of May thought that some action should be taken, and they accordingly appointed a committee "to confer with the Rector on the well being of the Parish," as follows:—W. C. Houston, Charles Spencer, Jos. W. Lewis and W. B. Whitney.

On Sunday evening, 21st of May, after service, Mr. W. C. Houston, chairman of the committee alluded to, waited upon Dr. Rumney to consult his convenience as to meeting the committee on the following evening, Monday, 22d May.

Dr. Rumney agreed to meet the committee at the time appointed, but declined to receive any communication from them, unless written. Mr. W. C. Houston replied, that the committee had not contemplated such an arrangement, as they had been appointed to *confer* with Dr. Rumney, which they understood to mean an oral interchange of views on the then condition of affairs.

Mr. W. C. Houston having narrated this conversation to the committee, they decided to agree to Dr. Rumney's request, and proceeded to prepare a communication, which they presented to Dr. Rumney at the time appointed, Monday, May 22d.

Before quoting this communication and the correspondence which followed, we desire to state that our edition of the correspondence is obtained from the minutes [see report of committee to Vestry, 5th September, 1871], and duly certified in every case by the Secretary of the Vestry.

GERMANTOWN, 22 *May*, 1871.

REV. AND DEAR SIR:

That an unpleasant difference of opinion exists in Christ Church Parish, is evident from the expression at the head of the unsuccessful ticket presented at the last Easter election, no less than by the statement read by yourself from the chancel on the Sunday before Easter.

A circular was issued two days before the election accompanying a ticket, which if elected would have ejected six members of the Vestry which called you to the Parish. This ticket was headed "Vestry to support the present Rector of Christ Church," and the circular expressed in the strongest terms the reasons why the ticket it recommended should be elected.

The advocates of each ticket were furnished with a full list of the voters, and the ticket and circular referred to were sent to every person entitled to vote, while a direct and most earnest personal appeal was made to almost every voter.

After all this had been done, the new candidates received

respectively, 21, 17, 17, 17, 16 and 14, out of forty-seven votes!

On the other hand those who voted the ticket, styled in the circular above referred to, "opposed to you as Rector of Christ Church," did so understandingly, and with a full determination to maintain the principles of the Church in the interests for which it was established. The smallest vote cast upon this ticket was 26, for one of the two members of the Vestry. The direct votes with the families thus represented, coustitute a large number of the congregation who are not satisfied with your preaching or Church party proclivities. Christ Church was originated and erected by ardent adherents of the evangelical principles of the Episcopal Church, and has always been sustained and known far and wide as a positive member of the Low Church party.

This hitherto positive record of the Parish as a member of the Low Church party makes it necessary that its Rector should be thoroughly identified with that branch of the Episcopal Church, or else that the character of the Parish should change.

The latter alternative, we say in all candor, we believe cannot be reached, and certainly cannot be with our consent.

You have never given us reason to believe that you would act in harmony with that party, or with the evangelical societies of the Church. The aim and object of the Ministry should be the conversion of souls to Christ, as well as confirming, deepening and energizing the faith of His professed followers.

To accomplish this, there should be the most perfect accord between Rector and people. That this does not exist, we think no candid person will deny, and we believe that if a vote could be taken of every communicant of the Parish, upon the simple question (independently of their kind regard and personal affection for yourself), whether Christ Church shall continue as heretofore, in close and cordial connection with the Low Church party or not, the result would show a majority as large, in proportion to number of votes cast, in

favor of such continuance as was given in favor of retaining all but two of the members of the old Vestry.

That such a vote could not now be taken, arises from the fact that the question could not, under the circumstances heretofore alluded to, be now divested of the personal considerations which have been so unfortunately brought in.

The position of Christ Church assumes more importance to such citizens of Germantown as desire to be identified with the Low Church party, because it is now the only Parish in this part of the city, which is not to a greater or less extent opposed to that party; and if Christ Church is brought into accord, these will have no Church home.

We beg to assure you that this statement is made with none but kind personal feeling for yourself, and only with a desire to bring about harmony and active co-operation in the Parish, and it is not our desire to have any official record made, or more public notice taken of this matter, than this plain statement and candid appeal to yourself. In view of this state of affairs and the consequent drawback to the efficient working of the Parish for the building up of the faith of its present members and in bringing others into the fold of the Good Shepherd, we desire in the kindest manner possible, to ask, whether you cannot better serve the great cause to which you have consecrated yourself, by changing your field of labor before the present difficulties shall have culminated in some way more unpleasant to you, and more injurious to the cause of our Master.

We trust that these representations will convince you that the cause of Christ and the happiness of our Parish will be promoted by your resignation, to take effect after you shall have had ample time to make arrangements for such a change.

We earnestly suggest that you will take this matter into prayerful consideration, without exposing it to any who might from personal esteem, be led to advise you more in accordance with their wishes than their judgment.

We propose to keep the subject of this communication

entirely between you and ourselves, and shall be glad to have your early reply to it.

Very respectfully,

On behalf of the Committee.

RECTORY OF CHRIST CHURCH,
GERMANTOWN, *May* 30, 1871.

To Messrs. W. C. HOUSTON, SPENCER, LEWIS and WHITNEY.

GENTLEMEN:—I might properly decline to make any answer to the communication dated May 22d, 1871, handed to me by you on the evening of the day it bears date, on the ground that it was not signed by you or any one else; but I prefer to regard it for the purpose of this reply, as if it were signed by you.

In the paper in which you have placed in my hands, I do not find any specific charges made against me, in my office of Rector of the Church, over which Divine Providence has placed me, and therefore, cannot further answer, except to say, that whenever charges of any specific default as the Rector of Christ Church are communicated to me by the Vestry, I will endeavor to reply respectfully and fully to the same, and in the meantime remain

Your friend and Pastor,

[SIGNED.] THEODORE S. RUMNEY.

REV. T. S. RUMNEY, D. D.,

DEAR SIR:—Your note of 30th May, referring to our interview and communication was duly received. The paper read to and left with you, was not signed, as it was not received after being copied until five minutes of the time we called upon you, but being presented by the committee in a body, we deem the point you make, of no moment whatever. We presented our views in writing, as an act of courtesy to your request, not that we admitted the right to ask it, as the resolution raising the committee was for a *conference*. We

sincerely regret that you did not think proper to *answer* our communication, after requesting it in writing.

The mover of the resolution for a committee "to confer with you on the state of the Parish," did not contemplate presentations of charges of any specific default as Rector of Christ Church, but to express to you, in candid, plain and frank manner, the views conveyed in the communication referred to. Our object was to inform you of a want of harmony, and difference of views existing between yourself and a large portion of the congregation, of such a nature as to cause great unhappiness, which, if continued, would prove seriously detrimental to the cause of Christ, and having heard that you said when you came to the Parish, "if you thought that there was a single person opposed to you, you would not accept the call;" we would not understand, how, as a Minister of the Gospel, you could remain, when you had proof that a majority of the congregation was dissatified with your preaching and Church polity.

We had indulged the hope, that the presentation of our views and those we represent, would have induced you to calmly consider the subject in all its bearings, in reference to yourself and your family, as well as to the great and holy cause of our Lord and Master, and that however great the sacrifice might seem, you would arrive at the conclusion that your happiness and the cause of religion would be most promoted, by tendering your resignation "to take effect after you had ample time to make arrangements for such a change."

We had also hoped that such an end could be accomplished in as private a manner as possible, as we had no desire to injure you or your future prospects, by act, word or deed, and sincerely pray that such may still be the case.

We learn with regret, that soon after the date of your note, a paper was being presented to members of the congregation for signature, asking you *not* to resign, as we thought such action would place you in an unfortunate position, not only with those of our Parish, but with the

community at large, and we still think it was an injudicious move on the part of your friends. We remained quiet on the subject about two weeks, when on hearing of the representations that were made to parties to sign said paper, it was deemed but right to draw up a counter paper which has thus far been signed by about 130 persons.

Upon consultation, we have decided to address you again.

As a congregation you must be aware we are not only sadly divided, but very unhappy, and we regret to learn that this feeling in some cases extends even to family circles. With such knowledge we know you cannot be happy yourself, as the cause of religion can never prosper as it should under such adverse circumstances; indeed, is a great sufferer from the outside world, which always seems to rejoice at any trouble amongst church members.

Our belief is, that the longer matters remain in their present state, the worse it will be for the church, as also for your future usefulness and happiness. It has been proposed that a special meeting of the Vestry should be called to receive the report of the committee and such action be then taken as they might deem proper. This course would place upon the minutes, communications handed to you, and your reply, and thus make the matter still more public, which should be a source of regret to all. In support of our statement that it is not "only a few" in the congregation who desire your resignation, we have made an analysis by taking each pew in the Church and counting the members of the congregation over fifteen years of age, who are represented by the pew and seat holders, who have signed the paper asking your resignation, and find that nearly two-thirds of the congregation and about the same proportion of the legal voters desire the change.

We consider the suggestion that has been made, that all who are dissatisfied with the present status of the Church should go elsewhere, a most ungenerous one in view of the large number thus situated, and we deem it as impossible to

force them away as it is for them to be reconciled to having you as their Rector.

With this statement of facts we again appeal to you to consider the subject in all its bearings on Christ Church as well as the Church at large, and on the happiness of yourself and family as well as your usefulness now and in the future, and then decide whether it will not be best to call a special meeting of the Vestry and tender your resignation to take effect, say 1st January next. This action coming from yourself would not prejudice you and would settle the whole difficulty. The Vestry will grant you as early leave of absence as you may desire, with your salary paid in advance to the time named, and also make the necessary arrangements to keep up the work of the Parish.

Hoping you will favor us with an early reply and that the nature of it may be the means of securing the happiness of all parties concerned, we are

Very Respectfully Yours,

[SIGNED.] W. C. HOUSTON,
CHAS. SPENCER,
JOS. W. LEWIS,
W. B. WHITNEY,
Committee.

GERMANTOWN, *July* 26, 1871.

GERMANTOWN, 25 *August*, 1871.

REV. T. S. RUMNEY, D. D.

DEAR SIR:—On the 26th day of July, *thirty days since*, a communication was handed to you from the committee appointed by the Vestry of Christ Church the 2d day of May; and as they addressed you in writing, in accordance with your expressed wish, the members thereof are united in their opinion that they were entitled to a reply, if dictated by no other motive than common courtesy, and have requested me to so inform you.

They also wish me to say, that if you desire proof of the statement made in said communication in regard to the

views of the voters and members of the Congregation it will be promptly furnished.

I am respectfully,

[SIGNED.] W. C. HOUSTON,
Chairman of Committee.

RECTORY OF CHRIST CHURCH,
GERMANTOWN, *July* 31, 1871.

WM. C. HOUSTON, ESQ., *Chairman of Committee.*

DEAR SIR:—I have received the communication of your committee, dated July 26th, and respectfully ask that you will send to me the original paper asking my resignation, with the names subscribed thereto, which I presume is addressed to me, and if in possession of the Committee should have been enclosed with their letter.

Very Respectfully Yours,

[SIGNED.] THEODORE S. RUMNEY.

GERMANTOWN, *August* 27, 1871.

MR. HOUSTON.

DEAR SIR:—In the absence of Dr. Rumney, allow me to say that your *son* can fully explain you Dr. Rumney's seemingly discourteous conduct.

Truly,

[SIGNED.] ANNIE J. RUMNEY.

August 31, 1871.

REV. DR. RUMNEY.

DEAR SIR:—Your note of July 31st, to Mr. Houston was given me to-day, the delay in its delivery was explained to Mrs. Rumney by Mr. H., Jr., and this will explain to you, Mr. W. C. Houston's note to you of August 25th. As Mr. Houston is from home, it devolves on me to assume his place. I therefore beg to say that the paper to which you refer was addressed to the Vestry; had it been addressed

to you it would have been sent you. As we have a Vestry meeting on Tuesday next, the Committee earnestly request that you will answer their communication of July 26th, that it may be acted upon at said meeting. The Committee's only object is the glory of God in the good of the Church, and they trust you will see your duty in this regard.

Very respectfully,

[SIGNED.] CHAS. SPENCER.

GERMANTOWN, *September* 1, 1871.

REV. T. S. RUMNEY, D. D.

DEAR SIR:—By the advice of a part of the Committee, I herewith send you a copy of the petition addressed to the Vestry with the signatures attached.

There are a great many who fully endorse every word of the paper who have not signed, amongst them I may mention Mr. C. W. Robinson, Mr. E. M. Lewis, Mr. George Nugent, and Mr. J. Clark, there are four names at the bottom of the 2d page of parties who had signed a paper addressed to you, to which this paper refers. They state that they did so without proper reflection and now attach their names to the paper herewith.

Respectfully yours,

[SIGNED.] CHAS. SPENCER.

Here follows the petition referred to in and enclosed to Dr. Rumney, with the preceding letter.

TO THE VESTRY OF CHRIST CHURCH,

GERMANTOWN.

A paper having been circulated for signature asking the Rev. Dr. Rumney to decline acceding to any request that may be made asking him to resign the Rector of Christ Church, Germantown, we, the undersigned Communicants, holders of pews or sittings and members of the congregation,

hereby desire to express our conviction that the best interests of the Church and congregation with which we are connected will be best subserved by the resignation of the present Rector. We also desire to say that we have been moved to this conclusion by no personal ill-will or opposition to Rev. Dr. Rumney, and have no desire to injure him or in any way interfere with his usefulness in any other field to which he may be called.

Here follow the signatures of 47 voters and pew-holders, and 82 other members of the congregation.

After these preceding communications had been read to the Vestry, Mr. Spencer, who was presenting the report of the committee in the absence of Mr. Houston, Chairman, said:—

Before I read Dr. Rumney's letter of September 2d, I would like to be informed by Dr. Rumney on the following points: Before you wrote your letter of September 2d, did you not receive mine of August 31st and September 1st, with a copy of the petition addressed to the Vestry and a list of the signers attached?

Dr. Rumney—I did not receive your letters before I wrote mine of September 2d.

Mr. Spencer—My first letter was written August 31st, and posted the same day. Did you not on reaching home find it, and Mr. W. C. Houston's of August 25th?

Dr. Rumney—I did.*

Mr. Spencer—Your letter was dated September 2d, but postmarked September 4th. Did you not receive my letter of September 1st, and a copy of the petition with list of signers before you posted your letter?

Dr. Rumney—I did, but did not read them until after I had posted my letter of September 2d.

This was the end of the conversation. Mr. Spencer continued the report by reading the document next in order, viz.: Dr. Rumney's letter of September 2d.

*See pages 63 and 123.

RECTORY OF CHRIST CHURCH,
GERMANTOWN, *September* 2, 1871.

To Messrs. W. C. Houston, Charles Spencer, J. W. Lewis, W. B. Whitney, *Committee on Conference.*

GENTLEMEN:—Upon my return last night I found awaiting me the following note from your Chairman:

GERMANTOWN, 25th *August*, 1871.

REV. T. S. RUMNEY, D. D.

DEAR SIR:—On the 26th day of July, *thirty days since*, a communication was handed to you from the Committee appointed by the Vestry of Christ Church the 2d day of May, and as they addressed you in writing, in accordance with your expressed wish, the members thereof are united in their opinion that they were entitled to a reply if dictated by no other motive than common courtesy, and have requested me to so inform you. They also wish me to say that if you desire proof of the statements made in said communication in regard to the views of the voters and members of the congregation it will be promptly furnished. I am,

Respectfully,

[SIGNED.] W. C. HOUSTON,
Chairman of Committee.

The tenor of the above communication establishes me in the conviction, so long entertained, that your committee and some others whose minds have been prejudiced against me are wholly mistaken in their estimate of my character as a gentleman, a Christian or a clergyman. On the 31st day of last July, I addressed to Mr. W. C. Houston, as Chairman of your Committee, the following note:

RECTORY OF CHRIST CHURCH,
GERMANTOWN, *July* 31, 1871.

WM. C. HOUSTON, ESQ., *Chairman of Committee.*

DEAR SIR:—I have received the Communication of your Committee dated July 26th, and respectfully ask that you

will send to me the original paper asking my resignation with the names subscribed thereto, which I presume is addressed to me, and if in the possession of the committee should have been enclosed with their letters.

Very respectfully yours,

[SIGNED.] THEODORE S. RUMNEY.

You may imagine my surprise at receiving no reply, but presuming upon the gentlemanly character of the Committee, I was willing to wait, hoping in due time to receive my request. I have been informed that the Committee has recently received my communication of July 31st, but no *written* explanation placing the blame of the delay where it belongs, and releasing me from the unjust severity of the letter above quoted has yet come to hand. In that letter your Chairman assures me that "if I desire proof of the statement made, etc., the Committee wish him to say that it will be promptly furnished."

My request has been in the hands of the Committee three days at least, but I have not received the original paper for which I respectfully asked.

It is pertinent to my present writing that I remind you of the substance of my communications with the acting Vestry at the time of my election and settlement as Rector of Christ Church. In the letter announcing my election the Committee appointed used the following language: "We believe that the unanimity of the Vestry in extending you this call is a clear intimation of the guidance of Divine Providence, and we trust it may be so regarded by you, and cause your early acceptance of the trust."

CHARLES LE BOUTILLIER, *Warden.*
H. H. HOUSTON,
E. A. CRENSHAW.

In my reply I wrote thus:—"If it is a Providential intimation that I must change my happy relations of years and sever my connections with this beloved people, I am ready to comply with Heaven's appointment, but I think it would be well and just that I visit you before giving a positive answer to your kind invitation."

I accordingly came and officiated in the Church and afterwards assembling a number of the Vestry, I assured them that if *one member of the Congregation* expressed dissatisfaction with the Vestry's action, I would cheerfully release them from every obligation, and contentedly return to my comfortable and happy home, and be saved the terrible ordeal of separation before me. I was told by them that the Congregation unanimously sustained the action of the Vestry, and the matter seemed to be so clearly from God that I dared not decline. And in my acceptance expressed the hope, that all would "work with me in faith, and give me their sympathy, their love, and their prayers."

Having been induced by such considerations of duty, *at great sacrifice*, to change my parochial relations, and now failing to see any just occasion for relinquishing my present position as Rector of Christ Church, I must beg leave under the guidance of that Being whose direction I have earnestly craved, *gently* but *positively* to decline compliance with your suggestions that I should tender my resignation of the charge wich God has so solemly placed in my hands.

When I consider my duty to Him, as His chosen ambassador I dare not. When I remember that I should be virtually acknowledging the truth of the many false statements with which Philadelphia has been filled regarding me, I cannot do so; in honor to my office as a Minister of the Church of Christ, to say nothing of my individual character as a gentleman.

The two communications which I have received from you as a Committee, are based almost wholly upon the fact that a prejudice (as you say) exists against me in the Parish.

That such prejudice *has been created* (not arisen spontane-

ously), in the minds of some, and created too in a number of instances by statements which had no foundation in truth, I am fully aware; yet I feel so confident that in the strength, and by the grace of the Master, whom I strive humbly to serve, it shall be possible for me to live down that prejudice, and to show that it has been occasioned by a misunderstanding of my views and purposes. Had I consulted my own feelings and sensitive nature, I should long before this, have sought peace and quiet by removal to some other sphere, but a sense of duty has given me confidence, and God has graciously sustained me day by day, enabling me to bear up under the cruel persecutions, which for some months past has been waged against me by a few, for which it does not appear that occasion has been given, either in my public ministrations or in my more private discharge of duty as Minister of this Church. I pray that God will forgive the wrong of those who have thus interfered with the peaceful success of one of his servants, and enable them to see the injustice they have done me. And now my determination is fixed, and I dare not go counter to what my conscience tells me is the will of Heaven. Hoping you will receive this decision in the spirit with which I write it, I remain

Your Friend and Pastor,

[SIGNED.] THEODORE S. RUMNEY.

Thus closes the correspondence between Dr. Rumney and the Committee of the Vestry as reported to the Vestry on the 5th of September, 1871.

Before proceeding to the next point of our subject, we should like to notice this final letter of Dr. Rumney, first asking you to compare the "spirit with which" it is written with the spirit displayed by the Committee of the Vestry in those communications to which it is an answer.

1st. Dr Rumney says:—"Upon my return home last night I found awaiting me the following note from your

Chairman" (here he recites Mr. Houston's note of August 25th), but he does not say that he also found Mr. Spencer's note of August 31st, showing why Mr. Houston's letter of August 25th was written; yet at the Vestry meeting of September 5th, he admitted that he received both of these letters at the same time.

2d. Dr. Rumney further says (referring to his note of 31st July, and to the delay in the answer of the Committee and also to Mr. Houston's note of 25th of August): "But no *written* explanation placing the blame of delay where it belongs and releasing me from the unjust severity of the letter above quoted (*i. e.* Mr. Houston's of 25th August), has yet come to hand." Please note that Dr. Rumney admitted to the Vestry, on the 5th of September, having received the letter of Mr. Houston, dated 25th August, (in which the "*unjust severity*" occurred), and Mr. Spencer's note of 31st August *at the same time;* he having been away from home at the time of the arrival of Mr. Houston's note and until the arrival of Mr. Spencer's. Now, in Mr. Spencer's note of 31st August, we find the following:

"Rev. Dr. Rumney,—Dear Sir:—Your note of 31st July, to Mr. Houston, was given me to-day; the delay in its delivery was explained to Mrs. Rumney by Mr. Houston, Jr., and this will explain to you Mr. W. C. Houston, Sr.'s note to you of August 25th!"

3d. Dr. Rumney, again referring to Mr. Houston's note of 25th August, says:—"In that letter your Chairman assures me that if I desire proof of the statements made, etc., the Committee wish him to say that it will be promptly furnished. My request has been in the hands of the Committee at least three days, but I have not yet received the original paper for which I respectfully asked."

Dr. Rumney admits having received Mr. Spencer's note of 31st August before he wrote the above, now Mr. Spencer, in

that letter, tells Dr. Rumney that the paper referred to was addressed not to Dr. Rumney, but to the Vestry, and thereby shows him that he has no right to demand it.

Mr. Spencer did, however, after consultation with a part of the committee prepare a copy of the paper on the 1st of September, which together with Mr. Spencer's note of that date, was handed to Mrs. Rumney, in Dr. Rumney's presence, by Mr. Spencer's servant, on the 2d of September! Now please take notice, Dr. Rumney's letter was dated September 2d, but was not posted till September 4th! So that he had that very paper of the tardiness of which he complains, for at least thirty-six hours before he mailed his letter! Now, referring to the conversation between Dr. Rumney and Mr. Spencer at the Vestry meeting of September 5th, we find—Mr. Spencer—Did you not receive my letter of September 1st and a copy of the petition with list of the signers, before you posted your letter of September 2d?

Dr. Rumney:—*I did, but did not read them until after I had posted my letter of September 2d!*

4th. Dr. Rumney further says, "I accordingly came and officiated in the church, and afterwards, assembling a number of the Vestry, I assured them that if *one member of the congregation* expressed dissatisfaction with the Vestry's action, I would cheerfully release them from every obligation * * I was told by them that the congregation unanimously sustained the action of the Vestry, and the matter seemed to be so clearly from God, that I dared not decline," etc.

We ask how it was possible for the "number of the Vestry" to know the opinion of the congregation immediately after the service, since it was impossible for a canvass to have been made.

Again, we ask who were the "number of the Vestry" whom Dr. Rumney assembled? Of twelve, the total number of the Vestry, we know that Messrs. Powers, Le Boutillier, Miskey, Spencer, W. C. Houston, Clark, Mellor and Killé, *were not assembled.* This, then, was the criterion from

which Dr. Rumney formed his opinion of the unanimity of the congregation!

5th. Dr. Rumney again says, "the two communications which I have received from you as a committee are based almost wholly upon the fact that a *prejudice* (as you say) exists against me in the Parish."

Dr. Rumney is in error, the two communications are not based upon prejudice, but upon the conscientious convictions of the committee, based upon the principles on which the church was founded and upon the wishes of the congregation.

6th. Dr. Rumney states that he felt the call was from God, on *account of the seeming* unanimity of the Parish. What is his interpretation of the Divine Will now; when so large a majority of the congregation is opposed to him? If the will or supposed will of the people was an indication of Providence then, is it not so now? If Dr. Rumney made the call a subject of prayer as an expression of the Divine Will, should he not now make the same instrumental cause a subject of prayer, as being possibly another means by which the Divine Will has chosen to act?

Finally, we might allude to Dr. Rumney's expressions—"cruel persecution," "prejudice created, not spontaneously arisen," "false statements with which Philadelphia has been filled," etc.,—but we do not wish to do so.

We do not wish, and by the tenor of all our words and acts we can prove that we do not wish to make this unfortunate contest either bitter or personal, but to conduct it with a single end in view—our duty to God, our Church and ourselves.

It is but natural that you should wish to know who this Vestry are, and what proportion of them desire the resignation of Dr. Rumney. Are they an ephemeral majority, liable to be at any time ejected from office, or do they fairly represent the wishes of the Congregation?

We will briefly answer these questions:—

The following, out of twelve Vestrymen, desire the resignation of Dr. Rumney.

Thomas H. Powers,	elected	20th June,	1853.
Charles Le Boutillier,	"	"	"
Anthony Miskey,	"	20th July,	1854.
Charles Spencer,	"	5th July,	1859.
W. C. Houston,	"	Easter,	1863.
Jacob Clark,	"	"	1867.
William Mellor,	"	"	1869.
J. W. Lewis,	"	"	1871.
W. B. Whitney,	"	"	"

There were, thus, two new members of the Vestry elected in 1871 by the pew-holders, to take the place of Mr. Crenshaw, the nominator of Dr. Rumney, and Mr. Shapleigh.

It will be seen, therefore, that with two exceptions, the Vestry has substantially represented the church for many years, and that these two new members were elected, too, in opposition to Dr. Rumney as Rector.

But, gentlemen may say that the term of service is nearly over, that with the coming Easter election they may cease to be Vestrymen, and successors be elected in sympathy with Dr. Rumney.

Let these gentlemen remember that the highest possible number of votes is 59, then let them listen to this paper, which pledges a full majority of these voters to choose, at the coming Easter election, a Vestry, which shall stand against Dr. Rumney; not nine to three, but twelve to none!

We, the undersigned, who will be legal voters for Vestrymen of Christ Church, Germantown, at the next Easter election, hereby declare our determination to vote for a Vestry who shall be in harmony with the action of the present Vestry, inasmuch as we believe the principles of the

present Vestry are in accord with those upon which the Church was originally established.

GERMANTOWN, PA., *January*, 1872.

Charles Le Boutillier,	Thomas W. Evans,
Benj. Homer,	W. C. Houston,
Joseph W. Lewis,	W. B. Whitney,
William Mellor,	Norton Johnson,
J. A. Miskey,	Jacob Clark,
Thomas Drake,	Matthias Maris,
A. Miskey,	Edgar H. Butler,
George W. Mason,	Thomas H. Powers,
Martin Nixon,	Alexander H. Jones,
H. Freas,	C. W. Robinson,
Robert D. Dunning,	James Hogg,
H. W. Hieskell,	Lloyd P. Smith,
Samuel Crowder,	C. P. Bayard,
Thomas Rodbard,	George Nugent,
William Parker Newlin,	Henry S. Tarr,
Chas. Spencer,	E. F. Shoenberger.

Does this not prove that the present Vestry has a right, speaking as it does with the weight of the past in its favor, to claim to represent the future of the Church?

They do so claim, and as a further and final proof, they invite your attention to the comparison between the state of the Church as to its contributions and its parochial work, during the rectorship of Mr. Atkins and of Dr. Rumney, respectively.

Let us then examine the various means which have been adopted by their Church to extend its influence in the community, and compare Christ condition under Mr. Atkins' rectorship, with their condition under Dr. Rumney's rectorship.

Perhaps the most important enterprise of the Church was the Mount Airy Mission, which was established and grew steadily into a strength which warranted it in assuming for

itself a parochial organization, when it styled itself Grace Church, Mount Airy, and called Rev. Mr. Edwards to be Rector. This Church is now doing very well indeed and is rapidly growing, thus disseminating the same principles that organized Christ Church, and being a new evidence of what those principles were. This enterprise was carried to perfection. Where is there a successor to it at the present time?

2d. Centre Mission is the next enterprise in the order of importance. Centre Mission was organized in 1860, and a fine building erected on Morton Street, where such a Mission was sadly needed. Here was assembled a Sunday School of more than 150 scholars. Every Sunday afternoon there was a prayer-meeting, while, week-night services of an interesting kind were held from time to time.

Centre Mission was a great aid to the work of home Missions. On account of its proximity to St. Michael's Church, it has been sold to that Vestry. But the workers who inaugurated and carried it on are ready now and waiting for some new enterprise under a leader in sympathy with them. The Church which once spread its aggressive Missionary arms over the entire community, is now making desperate efforts to maintain successfully a defensive attitude.

There was, during the winter months of former years, in the basement of Christ Church, a free reading room, where the daily and weekly newspapers and other interesting literature, attracted many visitors and paved the way for the educational influence that soon began their work in the same place. Weekly lectures were given upon popular and instructive subjects, which were largely attended. A teacher was engaged, and all who cared to improve themselves were here welcomed and carefully taught the elementary branches of education.

This extremely valuable work was carried on by voluntary contributions from members of the Parish, and promised immense advantages to the work of Christ, but it has

perished. There is no longer school or lecture, or reading room.

There was under Mr. Atkins' personal instruction a Bible class of men, each Sunday afternoon; fifty members were on its roll, and it is found that the average attendance was from twenty to forty.

This Bible class still exists. It is taught by Dr. Rumney. The average attendance is from four to eight! Cottage readings were favorite enterprise with the lady-members of the Church, and many and valuable are the members of the Church *now* who were first interested in Christ at those meetings. These too are gone. The Missionary spirit seems dead among us, and we gladly finish the comparison here and present to you the tabular comparison of the collections of the Church.

Objects of Collection. Average of five years, from 1865 *to* 1869, *inclusive.*

		1871.
Foreign Missions,	$1058 71	$41 82
Episcopal Hospital,	288 44	65 50
Disabled Clergy,	137 86	50 75
Evangelical Education Society,	280 17	58 95
Average of four years, '65, '66, '68 and '69.		
Evangelical Knowledge Society,	143 72	48 00

Our narrative is now concluded, and you have the case before you. We have followed the history of the Church down to the present time, in order that you may understand fully on what grounds we desire the dissolution of the pastoral relation between Dr. Rumney and the Parish of Christ Church, seeing that we prefer no charges against Dr. Rumney, of any specific default as Rector, we have attempted to show that the Church was founded for, and had always been, an Evangelical Church; that Dr. Rumney was elected under a misapprehension and misconception, both of his views on church politics, and of the opinion of his nominators. That although he was welcomed at first by willing hearts, there soon sprung up dissatisfaction in the Church. That this

unfortunate feeling resulted from his own action; and not any fault of the Parish; that under the administration of Dr. Rumney the Congregations dwindled down; that many of the members, retaining their pews in Christ Church in the hope of a change, sought a temporary home in other churches; that the collections decreased; that the missionary work of the Church died out, almost entirely; that a ticket, professedly to support Dr. Rumney as Rector of Christ Church, was overwhelmingly defeated at the Easter election in 1871, although the most thorough and determined canvass was made; that the Vestry in May, 1871, requested Dr. Rumney's resignation in the most respectful and kindly manner; that in doing so they were actuated by a profound sense of duty, and frequently deplored the unpleasantness of their task, while they repeatedly and earnestly endeavored to perform their evident duty in such a manner as to put Dr. Rumney to as little pain and inconvenience as was possible; that all their advances were met with direct and positive opposition; finally, that the Vestry represents the congregation in the fullest possible manner, and that the pew-holders have pledged themselves to support them at the next election. These are the grounds on which we beg to rest our case, and to ask that Dr. Rumney resign. We regret exceedingly the necessary publicity of a reference, and we have shown that it is not our fault.

Warmly attached to the Church-home of so many years, looking back on the times that are gone, upon the vicissitudes in our lives that she has recorded, in her solemn offices of baptism, confirmation, burial, performed within her sacred walls on those near and dear to us, it is with strong emotion that we contend for the preservation of our sanctuary from change; that "we shrink from singing a new song in a strange land."

Confident in the certainty that we, and we only represent the principles of the church from its foundation, and in the belief that we are doing our duty to God and to our fellowmen in this matter, we submit the case, praying most ear-

nestly that God will give you wisdom to decide in this matter according to His law and the welfare of His faithful people.

W. C. HOUSTON,
CHAS. SPENCER,
JOSEPH W. LEWIS,
W. B. WHITNEY, *Committee.*

The undersigned members of the Vestry having the preceding paper submitted to them, hereby endorse the action of the Committee.

THOS. H. POWERS,
CHARLES LE BOUTILLIER,
A. MISKEY,
JACOB CLARK,
WILLIAM MELLOR.

During the reading of this document the expression "I did," attributed to Rev. Dr. Rumney, on page 21*, was corrected by Dr. Rumney and Mr. H. H. Houston; and it was stated that the expression used was "I did not." This correction was assented to at the time, and it was mentioned, apologetically, that the statement was being read from a printer's proof, in which there were a number of errors, and that the errors would be corrected.

At the conclusion of the statement, Mr. Conarroe said: May it please the Court: this statement has been just heard by us for the first time. It is a lengthy document, containing many statements of facts and figures. The complainants have had months in which to prepare it. The respondent will need time to prepare an answer. In the case of the Rev. Mr. Tyng, thirty days were allowed by the court in which to prepare an answer. We do not wish any unnecessary delay, but two weeks at least will be required, after we have copies of the statement. I therefore move that when the court adjourns, it adjourns to meet on Monday, February 26th, at 10 o'clock A. M.

The Board then adjourned to meet on Monday, February 26th, 1872, at 10 A. M.

SECOND DAY'S PROCEEDINGS.

The Board having subsequently decided to hold its next meeting in the Vestry room of the Church of the Epiphany, the Presbyters, and parties, and counsel, assembled there on February 26th, at 10 A. M.

Present—Rev. Dr. Beasley, Rev. Dr. Yarnall, Rev. Dr. Miller, Rev. Dr. Davies, Rev. Mr. Perry.

Lewis D. Vail and William S. Price, Esqs., counsel for the Vestry.

Rev. J. Andrews Harris, clerical advocate, and George M. Conarroe, Esq., counsel for the respondent.

Mr. Conarroe stated that it had been found impossible to have the answer prepared and printed; that a delay had been caused by not getting early copies of the statement, but that the answer was then in the printer's hands, and would certainly be ready by the following Thursday. After some unimportant discussion the Board adjourned to meet on Thursday, February 29th, at 3 P. M.

THIRD DAY'S PROCEEDINGS.

February 29, 1872.

The Board of Presbyters met in the Vestry room of the Church of the Epiphany at 3 P. M.

Present—Rev. Dr. Beasley, Rev. Dr. Yarnall, Rev. Dr. Miller, Rev. Dr. Davies, Rev. Mr. Perry.

The complainants and their counsel.

The respondent and his counsel.

Rev. Dr. Beasley. We have met to-day to hear the answer of the respondent.

The answer on behalf of the Rector was then read by his counsel, George M. Conarroe, Esq., and was as follows:

ANSWER.

A Committee of the Vestry of Christ Church, Germantown, W. C. Houston, Charles Spencer, Joseph W. Lewis, and W. B. Whitney, appointed "to confer with the Rector on the well-being of the parish," have presented a statement to this Board of Presbyters alleging certain grounds of complaint against the Rector, and asking for a dissolution of the connection between the Rector and his congregation, under Canon 4, Title II. as amended, of the General Canons of the Protestant Episcopal Church. This action of the committee is endorsed by Thomas H. Powers, Charles Le Boutillier, A. Miskey, Jacob Clark, and William Mellor. These nine persons constitute a majority of the present Vestry.

The "statement" of the complainants is so weak, the failure even to make specific charges of default against the Rector such a conscious admission of inability to prove any default, and the grounds of discontent as stated are so explicitly partisan, that the respondent might well have been willing to have rested his case without even a reply. But the complainants have managed so thoroughly to entangle the facts that an answer seems to be imperative.

The substance of this "statement" may be summed up as follows:

1. That Christ Church, Germantown, was organized by certain persons in the interests of the "Low Church party," and that it owes allegiance not to the church at large but to the persons who contributed money to its erection.

2. That the Rev. Dr. Rumney was elected Rector, "unseen, unheard, unknown," upon the representations of certain members of the vestry, which representations betrayed the remaining vestrymen into voting for him.

3. That "a very short time served to show that Dr. Rumney was not 'an Evangelical man as we Low Churchmen understand it,' and that he was not willing to support those Evangelical societies which it had been the invariable practice of Christ Church to support. Clergymen filled the

pulpit under Dr. Rumney's auspices in his exchanges and occasional absences, who had never before addressed the congregation of Christ Church, and who were different entirely in their views from their dearly loved preachers. Innovations were introduced in the parish which were not approved by either the vestry or the pew holders."

4. That since Dr. Rumney's rectorship that "once flourishing parish" has been reduced to a "paralyzed condition," that the missionary spirit has died out, that the collections have decreased, that the free reading room has perished, that the congregation has dwindled down."

5. That the dissatisfaction with Dr. Rumney has "resulted from his own action and not from any fault of the parish," and that for fifteen years previous to his rectorship all was peace, harmony and success.

6. That the majority of the vestry in desiring a dissolution of the pastoral connection represents the congregation in the fullest possible manner.

I. As to the origin of the church organization.

The statement of the vestry begins with what is called a "narrative of the foundation of the church, prepared by one of the corporators, and acquiesced in by the surviving members of the original corporation." Of course the only impression conveyed to the reader by this is that *all* the surviving members concur. There is no exception or reservation. This narrative names Mr. P. E. Hamm as the originator of the church. Will it be believed then that the gentleman (not Mr. P. E. Hamm) who really originated the church, at whose house the first meetings were held; who started a flourishing Sunday school, and had regular church services for months before a vestry was thought of; who was superintendent of the Sunday school for three years; who invited the co-operation of the other gentlemen in forming a vestry; who drew the charter with his own hand; who was "one of the corporators," a member of the first vestry, secretary of the vestry for seventeen months, and for nineteen years an at-

tendant at the church; and who to-day is alive and in good health; is not even recognized in this document as a survivor!

But Mr. Potter shall be allowed to speak for himself. His letter will be found in the appendix, and fully shows that most of the original incorporators had little more than a nominal connection with the parish, and that the lot on which the church was built was given solely at Mr. Potter's solicitation by a member of the Episcopal Church, who has never been a Low Churchman.

It will thus be seen that the corner stone of the "statement" has not been very accurately laid, and that the historian of Christ Church, who professes to be so "familiar with the causes which induced that organization," has proved himself to be, at least, a very incautious chronicler.

Another of the incorporators, Mr. C. W. Robinson, it will be noticed, is still surviving. His signature also does not appear at the conclusion of the "narrative."

Every one knows how readily signatures are obtained and how seldom documents are read by the signers. None are more surprised than those very signers frequently are at the uses to which their signatures are put. There is nothing in this narrative, incorrect as it is, to directly connect it with a plan for the removal of Dr. Rumney. One of these original corporators, who, for many years, was accounting warden and who is the only one of the "surviving" signers who has habitually attended the church within twelve years, with a frankness which does him honor, in the following letter disclaims any intention to pass judgment on Dr. Rumney.

GERMANTOWN, *February* 16, 1872.

REV. T. S. RUMNEY, D. D.

DEAR SIR:—In signing the paper, as one of the corporators of Christ Church, I only intended to say that it was got up as a Low Church. Further, as I stated at the time, I know nothing about, as not being a pew holder I wished not to take any part. I did object to the part (that Mr.

Hamm originated the church) which is not exactly correct. As regards the closing paragraph, the insinuation of your unfitness, I do not subscribe to. Not having been inside the church since you have had charge, I do not suppose I should be supposed to know anything about it. My family are at present thinking of taking a pew in the church.

Yours, &c.,

J. B. CHAMPION.

Mr. Edwin W. Lehman and Mr. G. M. Troutman also, have stated, that in signing the narrative they had no intension of reflecting in any way on the Rev. Dr. Rumney; that they had never seen Dr. Rumney or heard him preach, and knew nothing of the merits of the present controversy. Mr. Lehman has been in the church but once in eighteen years.

As no one of these "surviving" corporators has attended Christ Church for at least eight years, and as some of them have never attended it at any time, it is difficult to see how their sentiments, given in a general way, are entitled to the slightest weight in a controversy like the present. But as they have chosen to certify that the church was organized in the interests of the "Low Church party," it may be well to notice Article II. of their charter of incorporation, which is as follows:

ARTICLE II.

"This church acknowledges itself to be a member of, and to belong to, the Protestant Episcopal Church in the State of Pennsylvania, and the Protestant Episcopal Church in the United States of America. As such it accedes to, recognizes, and adopts, the constitution, canons, doctrine, discipline and worship of the Protestant Episcopal Church in the State of Pennsylvania, and of the Protestant Episcopal Church in the United States, and acknowledges their authority accordingly. Any member of this church or corporation who shall disclaim or refuse conformity to the said authority, shall cease to be a member of this corporation,

and shall not be elected, or vote in the election for vestrymen, or exercise any office or function in, concerning or connected with the said church or corporation."

There is nothing here about the "Low Church party," but there is a promise of conformity to the "Protestant Episcopal Church in the United States of America," and an explicit acknowledgment of her doctrines and discipline. It is painful to be obliged to add that at least one member of the present vestry, a complainant in this controversy, notoriously repudiates some of the doctrines of the church, and offensively denounces the venerable formulary in which they are stated.

II. As to the election of Rev. Dr. Rumney:

The complainants state that Dr. Rumney was first nominated September 7th, 1869, then "*dropped;*" that Messrs. H. H. Houston and Crenshaw, "constituted themselves" a committee to go and hear him; that they "revived" his nomination on their return, and that on their statement only, and especially after their answers to certain questions, Dr. Rumney was elected "unseen, unheard, unknown," and that thereby they were beguiled into electing a rector who was not an "Evangelical man."

At the vestry meeting in September, 1869, Dr. Rumney, Dr. Canfield, Dr. Washburn, Revs. O. Perinchief, C. C. Tiffany and J. N. Stanger were nominated. At the October meeting a ballot was had, with no practical result. At the same meeting "it was moved that further nominations be made and *that all parties named at last meeting be continued as nominees*, which motions were seconded and carried," as appears by the vestry minutes. This plainly contradicts the statement that Dr. Rumney was "dropped." His nominator never withdrew his name in any way. Two meetings were held in November and one in December, and no result was reached, except that seven additional clergymen were

nominated. At one of the vestry meetings Mr. Powers was asked if Dr. Canfield was in favor of secession from the Episcopal Church if the Prayer Book was not altered. He said he did not know, but that *he* was. Under these circumstances it was not considered safe to vote for Dr. Canfield. A large number of the candidates were recommended by Rev. Heman Dyer, D.D.; and nearly all Dr. Dyer recommended were signers of the testimonial to Mr. Cheney, of Chicago. It was then agreed that each member of the vestry would visit the churches of some of the nominated candidates and report to the vestry. Messrs. W. C. Houston and Spencer, in accordance with this arrangement, "constituted themselves" a committee to hear the Rev. J. W. Brown. Messrs. Crenshaw and Killé did the same on another occasion. Mr. H. H. Houston "constituted himself" a committee to go and hear Rev. Mr. Langford. He did not hear him, but inquired about him, reported favorably to the vestry, and Mr. Langford was unanimously elected. He declined the election, and was again unanimously urged to come, but declined. Messrs. H. H. Houston and Crenshaw then went to hear Dr. Rumney. They had precisely the same authority any vestryman had previously had. No more, no less. They reported favorably. But Dr. Rumney was also recommended by Bishop Johns of Virginia, in a letter to a parishioner of Christ Church, by Bishop Stevens to Mr. Crenshaw, his nominator, by the Rev. Dr. Childs, and the Rev. Samuel Durborow, all certainly recognized as "Evangelical men." Bishop Stevens stated that he knew of Dr. Rumney, and that "the vestry would be safe in electing him without hearing him." Dr. Childs was expressly quoted by two of the complainants as partly deciding them in their minds how to vote. Dr. Rumney was unanimously elected, ten vestrymen being present and voting for him, viz.: Messrs. W. C. Houston, Le Boutillier, Mellor, Clark, Miskey, Crenshaw, H. H. Houston, Killé, Kingston and Schaeffer.

But the complainants now say that certain questions were

asked of and answered by Messrs. H. H. Houston and Crenshaw, by which they were misled (p. 8), as follows:

"Is Dr. Rumney an Evangelical man as we Low Churchmen understand it?

Ans. Yes.

Is Dr. Rumney willing to support the Evangelical societies, and only those, as it has been the invariable practice of Christ Church to support?

Ans. Yes."

This statement is not correct. The questions were not so asked, and the answers were not so given. What was asked and answered and stated will appear by the following certificate of five of the vestrymen then present and voting, two of whom *answered* the questions.

"The undersigned hereby certify that the following is a correct statement of the proceedings of the vestry meeting at which Dr. Rumney was elected:

"The statement made by Messrs. H. H. Houston and Crenshaw was that Dr. Rumney was a man Evangelical in his doctrine, a conservative Prayer Book Churchman, and not a party man. On being asked whether he bowed in the creed, the reply was he did. On being asked how he voted in convention, the reply was, such a question was not proper to be asked of a gentleman, but that we supposed he would act as his conscience dictated. After the balloting had commenced and seven had voted, A. Miskey stated that he had that day seen the Rev. Dr. Childs, who told him that Dr. Rumney was Evangelical in his doctrine, an excellent pastor, a hard worker in his parish and a good Sunday school man, and that he would suit our congregation admirably. Mr. Miskey then said that he voted partly on the representation of the two gentlemen who had seen Dr. Rumney, and partly upon the recommendation of Dr. Childs, as above expressed. W. C. Houston then said that he was willing to vote for any man endorsed by Dr. Childs, and, therefore, cast his ballot. After which, Mr. Le Boutillier did the same.

"The undersigned deny positively that the question was asked 'Whether Dr. Rumney was an Evangelical man *as we Low Churchmen understand it.*' We also deny that the question was asked, 'Whether Dr. Rumney was willing to support the Evangelical societies, *and only those.*'

H. H. HOUSTON,
S. B. KINGSTON,
JOS. A. SCHAEFFER,
SAMUEL K. KILLÉ,
E. A. CRENSHAW."

February 15, 1872.

How totally different is this from the statement put forth by the majority of the present vestry. The accuracy of the committee's statement may be further judged by the aid of this noteworthy fact. Only one of the committee of four which prepared it was present at the vestry meeting where the conversation occurred. Mr. Spencer was in Europe, and Messrs. Lewis and Whitney were not then in the vestry. Comment is needless.

The vestry appointed Messrs. Le Boutillier (now one of the complainants), H. H. Houston, and Crenshaw, a committee to inform Dr. Rumney of his election, and the following letter was sent by them:

GERMANTOWN, *February* 18, 1870.

REV. AND DEAR SIR:—It gives us great pleasure to notify you of your unanimous election to the Rectorship of Christ Church, Germantown, and to hand you a copy of the resolutions passed at a meeting of the vestry yesterday, viz.: "*Resolved*, That Messrs. H. H. Houston and Crenshaw, with the warden, be a committee to inform the Rev. T. S. Rumney, D. D., of his unanimous election as Rector of this parish, at an annual salary of two thousand five hundred (2,500) dollars, with use of the parsonage. *Resolved*, That an additional sum of five hundred (500) dollars, to be paid in advance, be appropriated to defray the expenses of his removal."

We believe that the unanimity of the vestry in extending you this call is a clear indication of the guidance of Divine Providence, and we trust it may be so regarded by you and cause your early acceptance of the trust.

The long period which has elapsed since we have had a Rector, has caused a serious reduction in the revenue of the church; the vestry hope that this state of things will be changed with your acceptance of the charge, and that we shall soon be enabled to offer you an increase of salary.

With sentiments of high regard, we remain very sincerely and truly yours.

CHARLES LE BOUTILLIER,
Warden.

H. H. HOUSTON,
E. A. CRENSHAW.

To Rev. T. S. Rumney, D. D.

Before accepting the call, Dr. Rumney visited Germantown. The ten members of the vestry who voted for him, and other members of the congregation were invited to meet him. A large number came. Full conversations were held with him by Mr. Le Boutillier, and other members of the vestry and congregation, and ample opportunity was given to ask any questions. On the following Sunday he preached. After the evening service, he said that if he thought there would be any opposition to him in the parish, he would not entertain the call. Mr. Miskey (now a complainant) assured him that there was no danger on that score. Not a murmur of dissatisfaction was breathed at that time by any one. How disingenuous is it therefore in the complainants to say (page 27) Messrs. Le Boutillier, Miskey, Spencer, W. C. Houston, &c., were not assembled! Had not the vestry elected Dr. Rumney unanimously? Did Dr. Rumney require any further evidence from those ten gentlemen than they had already given by their vote? As for Mr. Spencer, he was in Europe; and how the writer of the statement could have the

boldness to insinuate that he ought also to have been "assembled," it is difficult to imagine.

Under these circumstances, Dr. Rumney accepted the call, left the parish where *he* had lived in peace and harmony for "fifteen years," and came to Germantown, trusting that the promises of sympathy and hearty support would be made good. To quote from the "statement:" "On the 1st of May he came into residence in Germantown, amid the prayers and good wishes of an earnest people, delighted that they had again a Rector, and eager to resume in a regular manner their much-loved work in the parish. They hoped that the most prosperous days of the church were to be renewed, and that other and greater benefits were to result to the community from the revived influence of Christ Church. But, alas! this feeling did not continue."

Why did not this feeling continue, and when did it begin to falter? On the return from Europe of Mr. Charles Spencer, about the last of June, 1870. This gentleman, though an avowed Methodist, and though baptized, *refusing to be confirmed*, was a member of the vestry in direct contravention of the spirit of the second article of the charter of Christ Church.

III. Next, it is asserted that Dr. Rumney soon proved that he was not an "Evangelical man, as we Low Churchmen understand it."

If by this is meant that Dr. Rumney was not an "Evangelical man," as Low Churchmen generally understand it—the statement is unwarranted in fact. If, on the contrary, it is meant that Dr. Rumney was not a law-breaker, or a denouncer of the Prayer Book, or a sympathizer with such cheap "martyrs" as young Mr. Tyng and Mr. Cheney, the statement is true. But his views were and are Evangelical, and his sermons and services were such as are usual in Evangelical churches. Nothing has been pointed out in his sermons or services to which any exception could be justly taken. No complaint whatever was made by any

one until Mr. Spencer's return from Europe, and the complaints which were then originated by that gentleman—and which were carried by him, and some of those who sympathized with him, to the Bishop—were of so vague and frivolous a character that the Bishop felt compelled to declare that Dr. Rumney stood before him with an "unimpeached ministerial record."

Bishop Stevens' letter to Dr. Rumney, on this subject, is as follows:—

Philadelphia, *September* 30, 1871.

Rev. and Dear Sir:—I have received your note of the 28th instant, in which you say, "I would respectfully ask if you cannot give to my ministry in Christ Church that moral sanction which shall tend to allay any prejudice which may have arisen in some minds from a misapprehension, and enable me with greater confidence to fulfil the arduous duties which have my thought, my strength, my love." At the close of your note you again ask "as a matter of equity if I may not have from you, not *ex cathedra*, but as my spiritual adviser, some expression which will remove the opprobrium cast upon me by some to the temporary curtailing of my usefulness in the church of my Master."

To these requests I beg leave to say that you have already every "moral sanction" which I can give to one who stands before me to-day as you do, free from all personal or canonical reproach, and with an unimpeached ministerial record. I have confidence in your piety, your honesty, your fidelity to gospel truth, and in your single desire to win souls to Christ. The reasons which have been given to me by those wishing your removal, are not so much based on what you have done, as on the anticipations of what you may do. To deal, however, with inferential evils, when these inferences have but little if any basis of attested fact, is beyond the scope of civil or canon law.

You have assured me again and again that your views are unchanged from what they were when you were unanimously

elected Rector of Christ Church; that you never designed making any changes in the services or in the ecclesiastical status of that parish; and that your sympathies were with the *general* doctrines and policy of that class of men with which Christ Church has usually been identified. Hence, having no reason to doubt the truth of these assertions, I cannot but regret the keeping up of agitation on these points as unnecessary and unwise, and as detrimental alike to the peace and prosperity of your parish.

Trusting that by your sound and wholesome doctrine in the pulpit, and your prudent and godly conduct as a pastor, you may effectually put to silence the opposition which now disquiets your heart and your parish,

I remain very truly yours,

WM. BACON STEVENS.

Rev. Theo. S. Rumney, D. D.

The following reply was sent by Dr. Rumney:

Rectory of Christ Church,
Germantown, *October* 2, 1871.

Rt. Rev. and Dear Bishop:—Your reply to my letter reached me this evening, and I thank you sincerely for your kind words. To one part of that reply, I beg leave to allude, that in any future reference to it there may be no misunderstanding on the part of any.

You say you have been assured by me that my sympathies "are with the *general* doctrine and policy of that class of men with which Christ Church has usually been identified." By this I understand you *not* to mean that I sympathize with any who would destroy the unity of the church, or on either side disclaim or reject her authority and long established customs and usages. Such persons, in my opinion, go contrary to what my judgment teaches me is right, and also are in conflict with what I take the liberty of presuming from his published statements, are the opinions of my Bishop.

With this understanding, I can assure you, that it shall be my purpose (God being my helper) to persevere in the maintenance of that gospel truth, and that character of churchmanship which have hitherto marked my life, standing before you, as you say in your letter to me, "with unimpeached ministerial record."

Still trusting in Him who has ever sustained me, I shall hope to discharge the duties of my responsible position in a satisfactory manner, and above all so as to have His divine approval.

I remain faithfully and truly your son in the church,

THEODORE S. RUMNEY.

Rt. Rev. Bishop Stevens.

The statement that Dr. Rumney was unwilling to support the Evangelical societies is equally unfounded. A card had been prepared by Dr. Rumney's predecessor, Rev. Mr. Atkins, giving a list of all the collections outside of parochial objects. This list embraced all the "Evangelical societies," which it had been the "practice of Christ Church to support." This card was as follows:

CHRIST CHURCH,

GERMANTOWN (PHILADELPHIA).

Contributions.

Besides the regular Communion offerings, and the collections for incidental church expenses, collections will be made for the following objects:

January
February
March
April.....Diocesan Missions.
May.....P. E. Freedman's Commission.

June.....Sunday Schools of the Parish.
July.....Evangelical Knowledge Society.
August.....Evangelical Education Society.
September.....Domestic and Foreign Missions.
October.....Support of Episcopate.
November.....Parish Missions.
December.....Sunday School Anniversary.
Thanksgiving Day.....Episcopal Hospital.
Christmas Day.....Disabled Clergymen.

"GOD loveth a cheerful giver."—2 Cor. IX., 7.

A. B. ATKINS,
Rector.

Dr. Rumney followed the order prescribed on this card, and all the collections named on it were regularly made.

But strange clergymen preached "in his exchanges and occasional absences, who had never before addressed the congregation of Christ Church, and who were different entirely in their views from their dearly loved preachers;" and innovations were introduced. The "innovations" which were most complained of were, that Rev. Dr. Twing, the Secretary of the Board of Domestic Missions, was allowed to make an address, and that the other Episcopal clergymen in Germantown were allowed to preach in Christ Church, and were united with in religious services. The latter was in conformity with the very proper desire of Bishop Stevens, that at least a friendly accord should exist between the Rector of Christ Church and his Episcopal brethren in Germantown, and that the former state of non-intercourse should cease.

Dr. Rumney only exchanged services with four clergymen, viz.: his successor at White Plains, Rev. Mr. Van Kleeck, Rev. Mr. Davidson, of Conshohocken, Rev. Dr. Yarnall, and Rev. Mr. Perry. Among the clergymen who were invited to preach may be named Rev. Mr. Atkins, Rev. Dr. Childs, Rev. Dr. Watson, Rev. Mr. Wadleigh, Rev. Mr. Jaggar, Rev. Dr. Goodwin and Rev. R. C. Matlack. In order that the exact amount of damage inflicted on the complainants

may be ascertained, a full list of all the bishops and clergy who have in any way officiated during Dr. Rumney's rectorship, is printed in the appendix. It is worth mentioning that among those who preached *previously*, for Rev. Mr. Atkins, was the Rt. Rev. Bishop Hopkins, of Vermont, who was not considered by some a strictly "Evangelical man."

IV. The most serious charge made by the complainants is that since Dr. Rumney's rectorship, that "once flourishing parish" has been reduced to a "paralyzed condition;" that the missionary spirit has died out; that the collections have decreased; that the free reading room has perished; that the congregation has "dwindled down."

There is the same lack of foundation for these statements —and a suppression of important facts in such a manner as to give an impression the opposite of the truth. Any reader of the "statement" would suppose that the free reading room, &c., had perished at the hands of Dr. Rumney. It was unsuccessful and was *abandoned in the time of Mr. Atkins.* No one would infer from the "statement," that Centre Mission, that "great aid to the work of Home Missions," had been sold to St. Michael's Church, before Mr. Atkin's resignation and against his advice; and that Mr. Charles Spencer, the chairman of the committee to consider the sale, had said at that time (1869), the vestry were acting independently of the Rector; that "Mr. Atkins had overstaid his time, and should have left five years before." Yet such was the case. But the complainants say, "the workers who inaugurated and carried it on are ready and waiting for some new enterprise under a leader in sympathy with them." Mr. Barry, however, who was Superintendent of Centre Mission, and Trustee of the property, says that "This work was carried on by Mr. W. C. Taylor, Mr. Delacroix, Mr. Cardwell, Mr. Elkins, Mr. Killé, Mr. Tarr and myself, and also a few lady members of Christ Church," and thus writes:

"With regard to '*the workers who inaugurated*' this mission and carried it on, who were the persons mentioned

above, they have all disappeared with the exception of myself. Mr. Taylor now resides in Haddonfield, N. J.; Mr. Delacroix is dead; Mr. Cardwell is not with us; Mr. Elkins lives in the city, and Mr. Tarr has long since given up his interest, and, indeed, I may say that none of the old workers are in any condition to take up another enterprise of like character." Mr. Barry further states that the building was sold, because little interest was taken by Christ Church in the work, and it could no longer be successfully carried on.

That the missionary spirit has not "died out" is evidenced by the fact that a mission in Lehman street is now carried on under Dr. Rumney, which is fully as successful as Centre Mission.

That the parish has not been reduced to a "paralyzed condition," is proved by the following comparative statement:

In 1868, under the "prosperous" rectorship of Mr. Atkins, there were 94 pews and parts of pews rented and occupied by 103 tenants. While the Rev. Mr. Stanger was in charge, there were rented 89 pews, and parts of pews occupied by 97 tenants.

In 1872, under the rectorship of Rev. Dr. Rumney, there are rented 106 pews and parts of pews occupied by 119 tenants. This shows that 12 more pews and parts of pews are rented, occupied by 16 more tenants, than in the time of Mr. Atkins. There is not now a vacant pew to rent in the church. The congregations have never been larger than now, and it will be borne in mind that the falling off in revenue before Dr. Rumney came is expressly admitted in the letter calling him, which letter is signed by Mr. Le Boutillier, Warden. Indeed, strong corroborative evidence of the depressed condition of the church previously is furnished by the statement itself (p. 8). The committee say that on Dr. Rumney's arrival, the people were "eager to resume in a regular way their much loved work in the parish." They could not "resume" what they had not left off. Again, they

hoped that the most "prosperous days of the church were to be renewed," and looked for "greater benefits" from the "revived influence of Christ Church." This is a tolerably plain confession that the church had been going sadly behindhand under somebody.

Dr. Rumney then, instead of "paralyzing" the parish, has raised it from a depressed condition, notwithstanding the opposition of the small circle of complainants, and under his rectorship shows a better record in this respect than either of his predecessors. How manifestly unfounded therefore is the statement of his opponents, that he has "changed that once flourishing parish to a paralyzed condition!" *

As to the collections for the Evangelical Societies, etc., the tabulated statement (p. 32) of the contributions for specific objects, professing to compare the "average of five years, from 1865 to 1869, inclusive," with the amount contributed in 1871, and thereby to show how "paralyzed" the parish has become under Dr. Rumney's pastorate, contains so many glaring misrepresentations that it is difficult to believe that it could have been put forth by the complainants.

The complainants state that while the *average* contributions for the years 1865 to 1869, inclusive, for Foreign Missions were $1,058.71, yet that in 1871, the amount contributed was only $41.82!

* A trivial conversation between Mr. Spencer and Dr. Rumney is detailed on p. 20 of the "statement," and when this was read before the court, it was admitted that Dr. R.'s answer was "I did *not*," and not "I did." as then read from the "proof" of the printer. Correction was promised, but has not been made, and the pamphlet appears perpetuating this improper report of Dr. Rumney's language. Between September 2d and 4th, Sunday intervened, and Monday's post brought Mr. Spencer's *copy* (not the original as requsted), about *ten minutes* (not thirty-six hours) before the letter to him was mailed. As several pages of criticism are expended by the complainants, based upon what the Rector did *not* say, it has been thought well to insert this note. In the same connection it may be mentioned that while Mr. W. C. Houston's "severe" note of August 25th, is printed at large, his note of September 20th, to Dr. Rumney, apologizing for the former, is not printed at all. (See appendix.)

The "Spirit of Missions" contains the following acknowledgments for Foreign Missions during 1871, viz.:

In June No. Christ Church, Germantown	$873 51
" July No. " " " Sunday school	32 10
" Nov. No. Christ Church, Germantown, Sunday school	32 95

Jan. No., 1872, amounts received prior to Dec. 1st, 1871, viz.:

Christ Church, Germantown	41 82
Thos. Drake	550 00
Chas. Spencer	550 00
For Rev. Mr. Auer's salary.	
Total	$2,080 38

The individuals above named are attached to Christ Church, Germantown, and their contributions have been previously credited to the church. Thus the contributions for Foreign Missions are shown to be increased in 1871, to nearly double the average of the five years previous. These figures tell their own story. Five hundred dollars, part of the first item, was contributed by H. H. Houston, in a check drawn to the order of Charles Spencer and by him endorsed.

The complainants give the following additional figures:

Objects of Collections, Average of five years from 1865 *to* 1869, *inclusive.*		1871.
Episcopal Hospital	$288 44	$65 50
Disabled Clergy	137 86	50 75
Evangelical Education Society	280 17	58 95

Average of four years, '65, '66, '68 and '69.

Evangelical Knowledge Society.....$143 72 $48 00

The contributions to the Episcopal Hospital were as follows:

From Christ Church and Sunday school.....$197 68
" Individuals of the congregation, viz.:
F. Mortimer Lewis..... 200 00
Chas. Spencer..... 100 00

$497 68

Nearly double the average of five years previous, and more than seven times the amount said to have been contributed.

The contributions in 1871 for disabled clergy were:

From Christ Church..... $50 75
" Chas. Spencer..... 50 00

$100 75

The contributions in 1871 to the Evangelical Education Society were:

Aug. 15th, Christ Church, Germantown..... $58 95
Same day, though credited on a different page, from individuals of congregation, viz.:
Chas. Spencer..... 100 00
R. S. Spencer..... 25 00
C. Le Boutillier..... 20 00
J. W. Lewis..... 50 00

Total.....$253 96

The above appears in the printed report of W. C. Houston, Treasurer of the Evangelical Education Society, who is

the chairman of the committee which prepared the statement. Charles Spencer and J. W. Lewis are also members of the same committee. Is it possible that they did not know that they had made such contributions?

The contributions to the Evangelical Knowledge Society in 1871, were:

Aug., Christ Church, Germantown	.....	$48 00
" W. C. Houston, "	.....	50 00
" Chas. Spencer, "	.....	50 00
		$148 00

$4.28 *more* than the "average of four years," instead of $95.72 *less*, as stated by complainants. It is strange that intelligent business men could assume a disguise so thin as this! If they had kept their money in their pockets, or contributed it anonymously, the proof of their disingenuousness would not have been so readily apparent.

But the American Church Missionary Society, generally recognized as "Evangelical," has been strangely overlooked by the complainants. As they have not shown the "falling off in 1871," under Dr. Rumney's rectorship, the figures are here given.

Contributions from Christ Church, Germantown:

For year ending Oct. 1st, 1870	.....	$223 35
" " 1871	.....	473 85
Increase	.....	$250 50

The authority for the foregoing corrected statements will mostly be found in the printed reports of the several societies.

Other contributions were made in 1871, through the Ladies' Sewing Society, the Women's Union Missionary So-

ciety, &c., which show a similar improvement, but which are omitted in order to make this answer less voluminous. Enough has been shown to fully disprove the statement that "the collections decreased," and that "the missionary spirit died out almost entirely."

V. It may be safely said that the dissatisfaction with Dr. Rumney, on the part of a small minority in the congregation, has *not* "resulted from his own action," but has been fomented by a very few individuals, and those individuals are the very same who stirred up controversies in Christ Church in the "prosperous" times of Mr. Atkins, which are now referred to as so "unruffled" Quite a number of dissatisfied persons then left the church, and were regularly transferred to St. Michael's.

VI. In conclusion, the complainants claim that they "represent the *congregation* in the fullest possible manner;" that the friends of the Rector have been "overwhelmingly defeated," and, on the strength of a unique document which certifies the result of the vestry election of 1872, in advance, promise that they will exclude from the next vestry all friends of Dr. Rumney.

Let us see how fully they represent the "*congregation.*"

First, as to the committee which prepared the statement.

The chairman, Mr. W. C. Houston, is only a resident of Germantown five months in the year, and considers his real "church home" to be the Church of the Atonement, Philadelphia. In 1868, he was so "ruffled by the waves of polemical discussion" in a controversy with Rev. Mr. Atkins, that he tendered his resignation to the vestry, and though it was not accepted, gave up his pew, and found a safe haven, without difficulty, at St. Michael's.

The second, Mr. Charles Spencer, is not even a confirmed

member of the church, and has therefore no moral right to be in the vestry at all, as the by-laws of the church provide that the vestry shall be lawful "communicants." He it is who has been the chief promoter of this unfortunate and groundless controversy.

Article I., Section 1, of the by-laws of Christ Church, provide "that the vestry shall consist of twelve persons, who shall be communicants of the said church."

Article II., of the charter, states expressly that this church "accedes to, recognizes, and adopts, the constitution, canons, doctrine, discipline, and worship of the Protestant Episcopal Church," &c., and acknowledges their authority. It further provides, that "any member of this church or corporation, who shall disclaim or refuse conformity to the said authority, shall cease to be a member of this corporation, and shall not be elected, *or vote in the election for vestrymen*,* or exercise any office or function in, concerning or connected with the said church or corporation."

Part of the doctrine and discipline of the Protestant Episcopal Church is set forth in "The Order of Confirmation," as printed in the Book of Common Prayer, and at the end of this office is found this rubric:

"And there shall none be admitted to the holy communion until such time as he be *confirmed*, or be ready and desirous to be confirmed."

Now Mr. Spencer never was confirmed, is not ready and desirous to be, and on the contrary expressly refused to be. No laxity of practice can excuse a direct disregard of this provision. Casuistry may endeavor to explain it away, but the church has said, in perfectly intelligible words, what

* And yet certain worthy gentlemen in Germantown, Presbyterians, Baptists, &c., no doubt in honest ignorance of the doctrines of the Episcopal Church, and who have no idea whatever of acceding to or recognizing the authority of its doctrines or discipline, who do not attend its services, but "refuse conformity to the said authority," and who therefore "are not entitled to vote in the election for vestrymen," actually join in certifying how they *will* vote at the next election, and blandly state their "belief" as to the "principles" upon which "the church was originally established!"

her mind is on this subject, and the morality of the case is plain.

The remaining two members of the committee. Messrs. Joseph W. Lewis and W. B. Whitney, are vestrymen of less than a year's standing, elected respectively by 5 and 8 majority in a vote of 47. One of these, Mr. Whitney, attended St. Luke's, Germantown, less than three years ago, and said Mr. Atkins was "too Low Church for him." At St. Luke's he may be reasonably supposed to have had some practice in singing that "new song in a strange land," from which he and his colleagues now so nervously "shrink."

Yet this committee gravely say "we and we only represent the principles of the church from its foundation!"

As accuracy in figures does not seem to be one of the gifts of the complainants, it is quite natural that the vote at the last vestry election (p. 11) is not correctly given. The "statement" reads: "The church voted 30 to 18 to leave out Messrs. Shapleigh and Crenshaw, and to substitute Messrs. J. W. Lewis and W. B. Whitney." For "church" read "pewholders of two years standing" (some of whom were Presbyterians and did not attend the church), and bear in mind that Mr. Whitney was not really eligible at the time, and received 28 votes, not 30, and Mr. Lewis 26 votes not 30, while Mr. Crenshaw received 21 votes and Mr. Shapleigh 20, instead of 18 each, and the "overwhelming majority" will be found to be somewhat moderated. Only one of the committee received as high as 30 votes, Messrs. Powers, Lewis and Mellor, had only 26 votes each, while Messrs. H. H. Houston (ten years a vestryman), S. B. Kingston and J. A. Schaeffer, who support the Rector, had respectively 47 and 46 votes. Yet the former contentedly say, "we and we only represent the principles of the church from its foundation."

But the most material point in this branch of the case to be answered, is whether the complainants do "represent the congregation in the fullest possible manner." This may be shown by a comparison of two papers presented to the members of the congregation for signature; one asking Dr. Rum-

ney to resign, and the other asking him to remain. These two lists have been carefully classified by one of the church wardens, so as to show the number of signers and the members of their families, so that each head of a family may have due credit for those he represents. On this basis those asking Dr. Rumney to resign would stand as follows:

Pew-holders and their families, ...	127
Members of congregation, ...	46
	173

Those asking him to remain would stand as follows:

Pew-holders and their families, ...	203
Members of congregation, ...	134
	337

Fully two-thirds of the congregation desire Dr. Rumney to remain, and fully one-half of the remainder would be perfectly satisfied to have him do so. The real malcontents are but a small portion of the congregation, but they have been untiring in their efforts to sway the minds of others. The most reckless and unfounded statements have been made in order to get signatures, or the right to attach them; for many of the names of persons asking the Rector to resign were written by over-zealous canvassers. The Rector was accused, without the slightest foundation in fact, of being "High Church," of misappropriating the funds of the church; and signatures were obtained upon the plea that the paper was simply to certify whether the signers were in favor of High Church or Low Church. The paper was thus presented to those who say that they saw "no writing at the top," only a list of names, and that they had no idea of asking Dr. Rumney to resign. Many afterwards acknowledged that they did not "know the difference between High Church and Low Church" and saw no change in the services from the time of Mr. Atkins. A system of pressure was brought

to bear upon some of the members of the congregation, especially by two of the complainants,* which would have been far from creditable in a merely political election. Mr. F. Mortimer Lewis, a member of the congregation, immediately after the receipt of the list of names, went with the Rector to see a number of these so-called signers. He took notes at the time of the statements made by each person called on, and these statements were copied, attested by him, and produced before the vestry on Sept. 5th, 1871. They fully show the means resorted to in order to gain signatures, and furnish a sad commentary on misapplied "Evangelical" zeal. These statements, just as submitted to the vestry, will be found printed in the appendix, together with one or two other certificates of similar character. The names of several persons who had not signed the request for Dr. Rumney's resignation, were quoted in a letter from Mr. Charles Spencer (p. 20), as "fully endorsing every word of the paper." At least one of these gentlemen, Mr. Edwin M. Lewis, gave no authority for such use of his name, as will appear by the following letter:

PHILADELPHIA, *February* 13, 1872.

REV. T. S. RUMNEY, D. D.,

DEAR SIR:—A pamphlet entitled "Statement of the Vestry of Christ Church, Germantown," &c., is before me.

I desire to say that the use of my name on page 19† was unauthorized by me, not only at the time when the letter was written, but at this present time.

As it seems necessary that I should define my views, I can only say that I do *not* concur with the majority of the vestry.

Very respectfully yours,

EDWIN M. LEWIS.

* See appendix, statements of Messrs. Schaeffer and Floyd.

† Page 20 of the reprinted edition.

It will thus be seen that a large number of those who are quoted by the complainants as desiring the resignation of Dr. Rumney, must be deducted from their list.

It is difficult to believe that even all the members of the committee were aware of the indefensible character of the statement they signed, and we would fain think that their names were attached improvidently. One of the five vestrymen who "endorsed" the statement of the committee (Mr. Clark), has admitted that he signed his name without reading it. But

"Some one had blundered."

The accounting warden, at least, Mr. Spencer, through whose hands the moneys of the church pass, should have known whether the financial statistics were or were not correct. Strangely enough, his yearly financial statements, which are carefully preserved in the vestry minutes from 1862 to 1869, inclusive, are as carefully omitted since 1869. And this is the gentleman who writes to Dr. Rumney, "The committee's only object is the glory of God in the good of the church."

As has been already said, this contention has been incited by a very few persons. The signers of the "statement" mainly represent themselves, and have very few real constituents. They now ask that their efforts shall be made effectual by the aid of this Board of Presbyters. There is a beneficent maxim of equity, "No man shall be allowed to take advantage of his own wrong." It has an appropriateness in connection with this case, and it may well be quoted here to show that no set of men can stir up strife in the church, and then successfully point to that strife as a reason why the innocent victim of it should be punished.

One word here as to the way in which this question of dissolution must be considered by the Board of Presbyters. Judge Hoffman, speaking of the thirty-fourth canon of 1832, which was substantially the same as the present canon, except as to the constitution of the tribunal, says:

"Again, what is the description and extent of the dissensions which warrant an interference under this canon? No strictly correct definition can be made. On the one side, however, they are not to be such as are the proper subjects of a presentment, or duty to the church requires that proceeding. On the other side, they ought not to be those occasional and almost unavoidable differences or bickerings, which will arise between a pastor and *portions* of his congregation. The question can only be rightly determined *according to the circumstances of each case*, cautiously bearing in mind the sound principle, that the door should not be too readily opened for such applications, and that *such a severance of the relation is against the policy and wishes of the church.*"

The complainants say in concluding their statement (p. 32), "Our narrative is now concluded, and you have the case before you. We have followed the history of the church down to the present time, in order that you may *understand fully on what grounds we desire the dissolution of the pastoral relation* between Dr. Rumney and the parish of Christ Church, seeing that we prefer no charges against Dr. Rumney, of any specific default as Rector."

And again (p. 33): "These are the *grounds* on which we beg *to rest our case* and to ask that Dr. Rumney resign."

The "narrative" of the complainants has been carefully reviewed, and every material point replied to. It is submitted that it has been amply shown in this answer that the grievances set forth are totally unfounded, and that there are no real "grounds" for the case to rest upon. The true position of the complainants is thus briefly stated in the letter of Bishop Stevens to Dr. Rumney (p. 13): "The reasons which have been given to me by those wishing your removal are not so much based on what you have done, as on the anticipations of what you may do. To deal, however, with inferential evils, *when these inferences have but little, if any, basis of attested fact, is beyond the scope of civil or canon law.*"

Having failed to convince the Bishop they now hope to convince this Board. The conclusion reached by the Bishop cannot fail to be reached by the Presbyters composing this tribunal.

The modest Rector who has thus been thrust into an unpleasant notoriety by this hearing, is still ready to extend the hand of forgiveness to these complainants. Though he has been deeply wronged by them, no harsh language towards them has escaped his lips, and he, at least, has never suggested that they should "go elsewhere." The responsibility of the foregoing presentation of the Rector's case rests with his counsel, and if any of the criticisms upon these complainants be thought severe, it is because the facts are severe. This statement of them now is due to justice. It must not be forgotten that the unfortunate publicity which may doubtless sooner or later result from this proceeding, has been the act of the complainants themselves. It was not too much to ask that they should at least have refrained from opposition to an irreproachable Rector, whom they, without any desire on his part, had assisted to unanimously elect and bring to Germantown from a peaceful parish where he had lived and labored successfully for nearly fifteen years, and against whom they now "prefer no charges of any specific default," and who was and is beloved and supported by a large majority of his present congregation. But they have chosen otherwise. The Rector at least will not shrink from any investigation which may be required. The question is in no sense a party one. It is simply whether justice shall be accorded by the majority of an "Evangelical" vestry to one who is in every true and honest sense of the word an "Evangelical" Rector, and who stands to-day, to quote the words of his Bishop, "free from all personal or canonical reproach, and with an unimpeached ministerial record."

J. ANDREWS HARRIS,
Clerical Advocate.

GEO. M. CONARROE,
Of Counsel for the Rector.

February 26, 1872.

PHILADELPHIA, *February* 26, 1872.

The undersigned vestrymen, former vestrymen and members of Christ Church, Germantown, hereby fully endorse the statements in the foregoing answer, and certify that the facts as therein set forth are true in all cases where they severally have personal knowledge.

We further certify to our firm belief that the interests of the parish and the interests of the Rector would be materially injured by a dissolution of the present pastoral connection; and that the peace of the church would be more disturbed by the removal of the Rector at the present time than by any other possible cause.

H. H. HOUSTON,
S. B. KINGSTON,
JOS. A. SCHAEFFER,
Vestrymen.

E. A. CRENSHAW,
SAMUEL K. KILLÉ,
M. S. SHAPLEIGH,
ED. BEDLOCK,
F. MORTIMER LEWIS,
JOS. B. BARRY,
C. BULLOCK.

The Rev. J. Andrews Harris then read the letter of Beckman Potter, the statements of Joseph A. Schaeffer and N. K. Floyd, the statements of persons whose names were said to be attached to a paper asking Dr. Rumney to resign, Mr. W. C. Houston's letter, and sundry statistics of the Sunday School, &c., as printed in the appendix to the answer. This appendix was as follows:

APPENDIX "A."

Letter from the Originator of Christ Church, Germantown.

Philadelphia, *February* 21, 1872.

My Dear Sir:—I have read the paper book entitled a "Statement of the Vestry of Christ Church, Germantown, regarding their controversy with the Rector," dated February, 1872, claiming to have some knowledge of the "organization of Christ Church," Germantown. I propose reviewing a portion of this "statement" and "narrative," believing by the time my review is finished, that the present "vestry," its "committee," and a majority of those who sign themselves as "incorporators and members of the vestry at the organization of the parish known as Christ Church, Germantown," will admit that they never have been "familiar with the causes which induced that organization."

The "committee of the vestry" declare in their "statement," "First:—That they desire to call attention to the "following narrative of the foundation of the church, pre-"pared by one of the corporators, and acquiesced in by the "surviving members of the original corporation, as witness "their signatures." I most sincerely regret, if I am informed correctly as to the author of this "narrative," that the gentleman in question did not have the manliness (when called upon for such a purpose) to at once acknowledge his entire ignorance of the whole subject. For I here assert (if my memory serves me rightly), and call upon him to substantiate me upon the witness stand: First, That he never attended a meeting of the vestry, Second, That he was not a resident of Germantown at the time; Third, That his name was used only for the purpose of organization and obtaining a charter; Fourth, That he has never contributed towards

the erection or support of the church, and lastly, That he has never been inside the church before or since his removal to Germantown six times, if as often. It is not, therefore, very difficult to judge of the character and accuracy of this "narrative" when coming from such a source.

In this remarkable "narrative" it is declared, that "Christ Church, Germantown, was originated by Mr. P. E. Hamm, long a member and Warden of Grace Church, Philadelphia," &c. Having already alluded to the ignorance of this narrator, it may possibly be of advantage (after a lapse of twenty years) to record the yet unknown and unwritten history of the "organization of this parish."

Early in the year 1852, having perfected business arrangements which required my permanent residence in Germantown, I called upon the late bishop of the diocese, and announced my intended removal thither, and my intention of starting another Episcopal Church in the borough, which received his cordial approval. Immediately after settling in my new "church home" with this object in view, I consulted with Messrs. John B. Champion and Charles L. Scott, then residing in Germantown, who willingly joined me in this new work of labor and love. After an interchange of views and a survey of localities, it was decided that the Menonist meeting-house, situate on the Main street, above what is now called Herman street, would answer our purposes, if attainable. In company with Mr. C., I called upon Mr. John Rittenhouse, Senior, who was then the leading member and trustee of that corporation, and notified him of our object and desire to rent their building for the purpose of having services therein, and establishing a new Episcopal Church. (Their own congregation having dwindled down to but few in numbers, and holding their services but once a month, in the morning.) Mr. R. listened attentively to the appeal, and promised to place the subject before his people at their next meeting. He did so, and at our next interview with him, he kindly granted me the use of their building *without charge;* the only proviso being that I would employ

their sexton, and deliver up to them uninjured, their church, whenever demanded. (This building was so occupied until the congregation of Christ Church removed to their present location.) Thankful for the kindness so liberally extended us by entire strangers, I immediately, in connection with the gentlemen named, commenced proceedings for the opening of a Sunday school. And after posting bills throughout the neighborhood and borough, announcing that a Sunday school would be opened in said building upon the following Sunday, in accordance with the rites and forms of the Episcopal Church, awaited the coming event with peculiar interest. In the interim, having heard that a lady resided in Germantown who had been a member of the church in Philadelphia with which I was previously connected, I sought her, announced my intention, solicited her assistance, which was promised and faithfully given. The eventful Sunday arrived, and with it the opening of the school; there being present six teachers and seventeen scholars. Thus "originated Christ Church, Germantown." From week to week the school largely increased in numbers as to both teachers and scholars. I then determined, with the help of my co-workers, to inaugurate the church services upon every Sunday evening and without money and without friends, apparently, but relying upon the promises of the Master, that "where two or three are gathered together in His name, "He would be in their midst," announced and published that Episcopal services would be held regularly in the church upon every Sunday evening. This programme was carried out, "not occasionally," as this narrator declares, but without intermission for nine months, when the services were changed to morning and evening. In the meantime it became necessary to organize a "vestry" and obtain a charter. This was a difficult task to accomplish, in consequence of the scarcity of Episcopalians not connected with St. Luke's Church, and it was owing to this difficulty, and at the request of those deeply interested in the work, that some of these gentlemen now signing the "narrative" (and non-

residents of Germantown) permitted their names to be used for the purpose of making up the vestry and obtaining a charter. That instrument I believe to be in my handwriting; and in it these gentlemen declare, over their own signatures, that "This church acknowledges itself to be a member of, and to belong to, the Protestant Episcopal Church in the State of Pennsylvania, and in the United States of America." I have yet to learn that in this church there has been any deviation therefrom.

Mr. P. E. Hamm, spoken of in the "narrative" as the originator of the church, was at the time a member and pewholder of Saint Luke's Parish, and when called upon and informed of the progress and apparent success of the enterprise, identified himself with the movement. Subsequently, one or two others of these "narrative" signers removed to Germantown, one connecting himself with Christ Church for a time as member and vestryman, and, afterwards leaving, organized and carried to successful completion Calvary Church, Germantown; but not so with this "corporator and historian, who, overflowing with knowledge as regards the "organization of Christ Church," Germantown, and devoted with love and zeal to what is called the "Low Church party." Upon *his* removal to Germantown in these latter years he first connected himself with Calvary Church as aforesaid, and is now, if I am not misinformed, a member of the Church of Saint John the Baptist.

The "narrative" further declares that "Mr. Hamm went "to work contributing liberally of his means and ob- "taining liberal subscriptions to the new parish." Without reflecting in the least upon "Mr. Hamm," it will not be improper to say that he did no more than any other active member of the vestry at the time, each contributing either by labor or money to the good work. The lot of ground upon which the church now stands, the stones which form its foundations, as well as those which line its inner walls, were the noble gift of Mr. Fallon, obtained through the personal influence and instrumentality of the writer. And it may

with truth and justice be added, that but for this most generous donation, years would have elapsed before a building known as Christ Church could have been erected in Germantown; for the "liberal contributions" received up to that period did not justify the undertaking.

It is also stated by the "committee" in their "statement" that this "narrative of the foundation of the church" is "acquiesced in by the surviving members of the original "corporation; as witness their signatures." As the originator of the church, as its first Sunday School Superintendent for three years, as one of its "incorporators," as a member of its "original vestry," as a member of the church for nineteen years, and finally as one of the "surviving members of the original corporation," I cannot but proclaim this assertion to be without foundation in fact, and none know better than the "committee" who put forth this paper book, that at least one other of the "incorporators and surviving members of the original corporation" is *still living* and in Germantown, *and has*, if my information be correct, *refused to sign this very narrative.*

If these things be so, I ask what reliance can be placed upon the remaining portions of this "Statement of the vestry of Christ Church, Germantown, regarding their controversy with their Rector."

Very truly yours,

BEEKMAN POTTER.

Mr. H. H. Houston,

Rector's Warden, Christ Church, Germantown.

APPENDIX "B."

Statement of Jos. A. Schaeffer, a Member of the Present Vestry.

A few days after the Easter election in 1871, Mr. Spencer sent for me on a plea of business, and taking me into a private office, he made allusion to several glasses broken in his factory, but almost immediately directed the conversation to church matters, having much to say reflecting upon the present Rector, and his connection with the church. He said to me, "*I have a paper requesting Dr. Rumney to resign his position as Rector of Christ Church, nine of the present vestrymen have already signed the paper, and I want you to make the tenth.*" I then replied that Mr. Clark, *one of the nine*, in a recent conversation with me, said that he would not sign a paper requesting Dr. Rumney's resignation. Mr. Spencer then said, "Mr. Clark is a *changed man*, and is now with us and *has signed the paper.*"

In contrast to this statement of Mr. Spencer, I will here say, that within two or three days after, I asked Mr. Clark in regard to it. He stated positively that he *had not* and *would not* sign *against Dr. Rumney.* I will also add, I afterwards met Mr. A. Miskey, also one of the nine, and told him that Mr. Spencer had informed me that he had signed a paper which he (Mr. Spencer) had at the time, requesting Dr. Rumney to resign. He denied it, saying: "*I have not signed such a paper*, and would not raise a finger against Dr. Rumney."

To return to my conversation with Mr. Spencer. Mr. Spencer continued to bring forward inducements to persuade me, if possible, to sign the paper, among which was one, which he stated he had presented to a friend of mine, to secure his vote at the recent election for vestrymen, which

was, that if he would vote the ticket presented by him (Mr. Spencer) any *loss which* might follow from the withdrawal of the influence of the gentlemen sustaining Dr. Rumney, should be made up to him four-fold, by him (Mr. Spencer).

This I considered as a bait to secure my signature to the paper, which he said he had, and which was signed by the nine vestrymen, but which he did not allow me to see. Thus continuing to urge me to sign till the time came for him to go to the city, he took out his watch, and starting hastily, he turned to me with the demand, "*Will you or will you not sign that paper?*" I replied that I would not. He then said "You will be sorry for it." We then separated. Before that time I had received his patronage—since then I have not received one order from him.

JOSEPH A. SCHAEFFER,

GERMANTOWN, *February* 19, 1872.

APPENDIX "C."

STATEMENT OF N. K. PLOYD.

I am a member of Christ Church, Germantown. Was baptized and confirmed by Rev. Mr. Atkins. Previous to the last election of vestry I was called on by Messrs. C. Spencer and Miskey to vote for a ticket with the names of Mr. Shapleigh and Mr. Crenshaw left off. I told them that it would be a sacrifice of principle to vote against Dr. Rumney, as we had nothing against him. They both assured me that it was not a war against Dr. Rumney, but against High Church principles, and if their ticket was elected they would not interfere with Dr. Rumney. They pressed their grievances so hard, and it seemed so plausible, that I told them that if they were correct in their assertions I would not be bound to Dr. Rumney. I met Mr. H. H. Houston, who was my sponsor in baptism; he had been recommended

for my sponsor by Rev. Mr. Atkins (formerly rector) as his best supporter, and as a Christian gentleman. Mr. Houston stated the whole difficulty, which only confirmed my own opinion that Dr. Rumney was right. I have endeavored to sustain him to the best of my feeble ability, and will continue to do so until I find that I am in error.

I have been by occupation a painter; was employed last summer by a painter to assist on Mr. Charles Le Boutillier's house. As soon as I arrived Mr. Le B. made his appearance and said he wanted to ask a few questions. He then commenced, was I High or Low? I told him I was classed as Low; but that I considered myself an Episcopalian. He then demanded to know if I signed Dr. Rumney's paper? I said I did. He then gave me an invitation to leave his place. He seemed very violent at first at all who did not agree with him. I do not think it would be any credit to any cause to repeat the language used. Mr. Le B. cooled down and assured me that if I would take my name off Dr. Rumney's paper and sign one against him, he would let me go to work on his house. This mild proposition I most emphatically refused, and left the premises.

I have had frequent interviews with Dr. Rumney. I find him an honest Christian gentleman. His object is to do good for Christ and man. I therefore repeat that he has my support and confidence.

N. K. PLOYD.

February 17, 1872.

APPENDIX "D."

Statements of persons whose names are appended to the paper asking Dr. Rumney to resign, who never AUTHORIZED THEIR NAMES to be used for such purpose.*

Mr. JORDAN, Main and Church Streets.

Miss , called on me and said the paper was to decide whether the church be High or Low Church. I have nothing against you (Dr. Rumney), and did not know that the paper requested you to resign. I did not read the paper. I do not wish you to leave the church. I only desire the church be not made a High Church. My wife would not sign the paper. I am not a member of your church. I attend the Lutheran Church.

Stated in our presence,
F. MORTIMER LEWIS,
T. S. RUMNEY.

September 5, 1871.

Mrs. GREENROD.

Miss called to see me and had a paper. Said it was to decide whether we be High or Low Church. I said what was the difference? She said that I could not understand, not being educated, but that there was, and it was to decide that she wanted my name. I said that she knew best, and I would leave it to her to settle. I afterwards called on Miss , and ordered her to take my name off the paper, as I did not see any change in the church; but she said it was too late. I am very sorry that my name was

* NOTE.—The names of the ladies who called on these persons are omitted at the request of Dr. Rumney, in order to shield them from unpleasant notoriety. They can be furnished to the court if required.

put on the paper. I like you (Dr. Rumney), and do not wish you to leave the church. I have before asked you to take my name off the paper if you should receive it.

Stated in our presence,

F. MORTIMER LEWIS,

T. S. RUMNEY.

September 5, 1871.

Mrs. E. Smith, Centre Street.

I never signed a paper asking you (Dr. Rumney) to resign; nor would I do so, as I do not wish you to leave us. I did not sign any paper nor tell any person to sign for me.

Stated in our presence,

F. MORTIMER LEWIS,

T. S. RUMNEY.

September 5, 1871.

Miss M. A. Keenan, Main Street.

I do not belong to Christ Church. I attend the church at Mt. Airy. Iwas asked to go to a meeting at Miss one evening. It was there stated that we must decide whether Christ Church be a High or Low Church; that a paper was in circulation by the High Church party, and we must try to keep Christ Church a Low Church. The paper that was afterwards used was not at this meeting. I have nothing against you (Dr. Rumney), only don't want a High Church. I would not have gone to the meeting if I had known what it was for.

Stated in our presence,

F. MORTIMER LEWIS,

T. S. RUMNEY.

September 5, 1871.

Mrs. KEENAN, Main Street.

I was at the meeting at Miss , and did not hear anything about asking you (Dr. Rumney) to resign, only that we must decide between High and Low Church. I liked the church as it was under Mr. Atkins. On returning to Germantown after an absence of some years, I see more change in the people than I do in the Rector. I am sorry that I went to the meeting. I was told at the meeting that all the money of the church was now going to the High Church party.

Stated in our presence,
F. MORTIMER LEWIS,
T. S. RUMNEY.

September 5, 1871.

Mrs. BRONSON, Haines Street.

I never signed a paper asking you (Dr. Rumney) to resign. I signed a paper at the house of Miss , which had no writing on it, except some names, which was only to have a Low Church. Nothing was said about your resigning. I would not sign such a paper, as I do not wish you to leave us. All I wanted was not a High Church. I do not know what the difference is between High and Low Church. I see no difference in the church services from the time when Mr. Atkins was here; I am perfectly satisfied with the services as now conducted by you (Dr. Rumney), and wish no change.

Stated in our presence,
F. MORTIMER LEWIS,
T. S. RUMNEY.

September 5, 1871.

Mrs. FREDMAN, Haines Street.

I did not sign the paper. Miss said it was my duty to sign it, and said something would hurt my children. It was something in the communion. I do not know what

she meant. She put my name down. I never said that I signed the first paper without reflection. Miss came a number of times for me to sign, and worried me so, that to get rid of her I said she could put my name down. She talked about High Church and said they all loved Dr. Rumney. I did not wish you to resign, and do not now wish you to leave us. I have been much worried about the use of my name. I do not wish you to go away. I see no difference in the church services now and I do not know what the trouble is about.

Stated in our presence,

F. MORTIMER LEWIS,
T. S. RUMNEY.

September 5, 1871.

Mrs. PALMER, Morton Street.

I attended a meeting at Miss and heard them talk about High and Low Church. I signed merely to keep our's a Low Church. I do not recollect hearing anything said about your (Dr. Rumney) resigning. I see no difference in the services now. I did not sign for you to resign.

Stated in our presence,

F. MORTIMER LEWIS,
T. S. RUMNEY.

September 5, 1871.

JOHN PALMER.

I heard it stated that you (Dr. Rumney) appropriated the funds of the church for High Church purposes, and I signed only for a Low Church. I do not remember that anything was said about your going away. I see no difference in the services in the church now from formerly. I did not think it right that the church funds should be appropriated to wrong

purposes, and that made me sign; and I confess that I was prejudiced against you on that account.

Stated in our presence,

F. MORTIMER LEWIS,
T. S. RUMNEY.

September 5, 1871.

Mrs. GOODMAN, Centre Street.

I only signed a paper against a High Church, and did not hear anything about your (Dr. Rumney) going away, and I am very sorry now that I was induced to sign; I only signed against a High Church. I see no change now in the services in the church from formerly. I do not wish you (Dr. Rumney) to leave us. I did not read the paper. I only saw a few names on it; no other reading was on it that I know of.

Stated in our presence,

F. MORTIMER LEWIS,
T. S. RUMNEY.

September 5, 1871.

Mrs. S. A. GURLING, Centre Street.

I never signed a paper requesting you (Dr. Rumney) to resign. A paper was shown to me by two ladies, and I was asked to sign to keep the church from being a High Church. I said I did not understand the matter, and they did not tell me. I only saw a few names on the paper, which was folded, and thought it was only against High Church. I have no fault with you (Dr. Rumney) and do not wish you to leave us. The ladies were Miss and Miss .

Stated in our presence.

F. MORTIMER LEWIS,
T. S. RUMNEY.

September 5, 1871.

Mrs. Axford.

Miss called here and asked me if I did not wish to have a Low Church. I was very busy at the time and said that I did; only that I had nothing against Dr. Rumney, and did not wish him to leave; but that they might sign my name if they pleased for a Low Church. I do not know the difference between High and Low Church.

Stated in our presence,

F. MORTIMER LEWIS,
T. S. RUMNEY.

September 5, 1871.

Miss M. Elkins, Chelton Avenue.

Miss called and talked about High Church and persuaded me to sign a paper. Nothing was said about you (Dr. Rumney) resigning. I am very sorry that I signed the paper, but was over-persuaded and hardly knew what I did. I said that Dr. Rumney kept close to the Prayer Book, and that I did not wish him to leave. I regret that I was induced to sign, and would be glad to have my name taken off the paper. I certainly wish you to remain here.

Stated in our presence,

F. MORTIMER LEWIS,
T. S. RUMNEY.

September 5, 1871.

Robert Cupitt, Engle Street.

I am very sorry that I signed the paper for Miss . She talked about Low Church, and I signed only to keep a Low Church. Nothing was said about you (Dr. Rumney) resigning, or I would not have signed, as I do not wish you to go away; only I wish to have a Low Church. I regret that I signed the last paper, and never stated that I signed the first paper without reflection.

Stated in our presence,

F. MORTIMER LEWIS,
T. S. RUMNEY.

September 5, 1871.

Mrs. E. Cupitt.

I did not hear anything about you (Dr. Rumney) leaving the church. The talk with Miss and Miss was about Low Church, which is what I like. I did not sign for you (Dr. Rumney) to leave us, and I do not wish you to go away.

Stated in our presence,
F. MORTIMER LEWIS,
T. S. RUMNEY.

September 5, 1871.

Mrs. Brandreth, Engle Street.

Miss called and asked me to sign a paper to keep our church from being a High Church, which I refused to sign. She made me promise to call at her house in the afternoon. When I was there she brought out the paper and I signed it, only because I do not want our church like the Roman Catholic. I see no difference now from when Mr. Atkins was here. Miss said that you (Dr. Rumney) intended to make it a High Church.

I told Mr. Cupitt that I was sorry that I signed the paper, and would like to have my name taken off. I do not wish you to leave us. I hope you will stay with us.

Stated in our presence,
F. MORTIMER LEWIS,
T. S. RUMNEY.

September 5, 1871.

Mrs. Twist.

I signed the paper, as I wished the church kept on Mr. Atkins' platform. I have nothing against you (Dr. Rumney), and only signed to keep our church a Low Church. I cannot say that I see any difference in the church services, but there is a difference in the prayer meeting.

Stated in our presence,
F. MORTIMER LEWIS,
T. S. RUMNEY.

September 5, 1871.

Mr. TWIST.

I was not at home when the paper was brought here, and I did not sign it. I have nothing against you (Dr. Rumney.)

Stated in our presence,

F. MORTIMER LEWIS,
T. S. RUMNEY.

September 5, 1871.

Mrs. ANN STEERE.

When the ladies, Miss and Miss called here, they said that Dr. Rumney was going to make Christ Church a High Church, and they wanted our names for a Low Church. Nothing was said about Dr. Rumney going away. I told them to put down my name, my husband's, and my daughter Lizzie's for a Low Church. My husband does not go to church, except sometimes with me at night. He is not a member. My daughter signed at Mrs. also for a Low Church. We have nothing against you (Dr. Rumney), and wish you to stay. I do not know the difference between High and Low Church.

Stated in our presence,

F. MORTIMER LEWIS.
T. S. RUMNEY.

September 5, 1871

Mrs. SYKES, Bowman Street.

A paper was brought to me to sign, and I was told that it was only to have the church the same as when Mr. Atkins was there, and nothing else. Since, I have been told that the paper was to ask you to leave; and I have said that I was very sorry that I signed it. I only signed to have the church as it was. I do not wish you to resign at all. I am very sorry that I signed.

Stated in our presence,

F. MORTIMER LEWIS,
T. S. RUMNEY.

September 5, 1871.

Miss McNaughton, Washington Lane.

I was told that papers were being taken around among the people, one for High Curch, and one for Low Church, and I was asked which I would sign. I said I would sign for Low Church. I never thought of such a thing as asking you (Dr. Rumney) to leave. I thought that you might change your views to that of the Low Church when you saw the paper. If you could not, that you might probably leave us. I did not sign to ask you to resign, only for Low Church; and had I known all that I now know, I would not have signed the paper.

Stated in our presence,
F. MORTIMER LEWIS,
T. S. RUMNEY.

September 5, 1871.

Henry Freas, Main Street.

The paper which I signed was only for a Low Church. Nothing was said to me about my signing to ask you (Dr. Rumney) to resign. I did not read the paper, but from what was said to me, I was under the impression that the paper was only to keep the church a Low Church, and to have no change brought in. I also signed for my wife for the same reason.

Stated in our presence,
F. MORTIMER LEWIS,
T. S. RUMNEY.

September 8, 1871.

Daniel P. Freas, Main Street.

I was busy when the paper was brought to the store, and read it over hastily. I do not remember that it said anything about your (Dr. Rumney) resigning; all that I supposed it was, was a desire to keep the church as a Low Church.

Stated in our presence,
F. MORTIMER LEWIS,
T. S. RUMNEY.

September 8, 1871.

APPENDIX "E."

List of clergymen who have preached or officiated in Christ Church under Dr. Rumney.

Rev. Dr. Williamson, Wilkesbarre.
Rev. T. W. Martin, Lewistown.
Rev. Dr. Fitch (uncle of Mr. Whitney of the Committee).
Rev. Dr. Hay, Radnor.
Rev. J. Houston Eccleston.
Rev. R. C. Matlack.
Rev. Jno. G. Furey.
Rev. Dr. Childs.
Rev. A. Shiras, D. D.
Rev. Mr. Page, of Tenn.
Rev. J. N. Stanger.
Rev. A. B. Atkins (twice).
Rev. Dr. Benj. Watson.
Rev. Dr. Hawkins, Chambersb'g.
Rev. Dr. Spalding, Wisconsin.
Rev. J. K. Murphy, Germantown.
Rev. A. Wadleigh, Germantown.
Rev. G. L. Bishop, Germantown.
Rev. Dr. Oliver.
Rev. S. D. Hinman.
Rev. Dr. Smedes, North Carolina.
Rev. Dr. Goodwin.
Rev. R. T. Roach, D. D.
Rev. A. T. Twing, D. D.
Rev. Mr. Cathell.
Rev. Sam'l Durborrow.
Rev. W. H. Hare.
Rev. Mr. Cullen.
Rev. Mr. Diehl.
Rev. T. A. Jaggar.
Rev. J. DeW. Perry.
Rev. Dr. Yarnall.
Rev. F. B. Van Kleeck, White Plains.
Rev. Mr. Davidson.
Bishop Randall.
Bishop Morris.
Bishop Tuttle.
Bishop Clarkson.
Bishops Johns and Bedell have been both invited, and could not come.

APPENDIX "F."

PHILADELPHIA, *February* 16, 1872.

REV. THEODORE S. RUMNEY,
GERMANTOWN, PA.,

REV. AND VERY DEAR SIR:—In pursuance of your expressed wishes, I now enclose herein a statistical table, compiled from my Sunday school records for the seven preceding years, as well as the small fractional part of present year. The numbers stated are those in attendance on Advent Sunday for the respective years.

Truly yours,
SAMUEL K. KILLÉ,
Assistant Superintendent Christ Church Sunday school, Germantown.

Year	Total Pupils in School.	Total Bible Classes.
1865	341	71
1866	318	70
1867	413	73
1868	335	73
1869	345	80
1870	305	75
1871	326	74
1872	328	74

Included in list of Bible classes for each of the above years were 34 pupils of Mad. Clement's school.

It may be here noted that at the last confirmation in Christ Church (in 1871), a class of thirty was presented to the Bishop.

APPENDIX "G."

Letter from White Plains.

Understanding that reports have been recently circulated in Germantown, to the effect that Dr. Rumney's congregation, at White Plains, N. Y., were tired of him, and were glad to get rid of him, the following letter is inserted to show the utter falsity of such reports:

"Since reports have reached this parish, that certain persons, inimical to our former beloved Rector in his present field of labor, are endeavoring to bring accusations against him, so as to remove him, if possible, from his position in Christ Church, Germantown; therefore,

We, the Rector, Wardens and Vestrymen of Grace Church, White Plains, in special session assembled, deem it but an act of duty towards the Rev. T. S. Rumney, D. D., to make the declarations proclaimed below in regard to him, which declarations we subscribe with our own names, inviting thereafter the signatures of all available members of the congregation, that, thus endorsed, they may be sent to Mr. H. H. Houston, Rector's Warden in Dr. Rumney's Vestry, to be used by him in any emergency, in which they could be of service.

We declare:

1. That under Dr. Rumney's rectorship in this parish the greatest *harmony* prevailed, and to such a degree, that the delightfully harmonious relations existing between Rector, vestry and congregation, became a marked topic of conversation during meetings of the clergy of the Southern Missionary Convocation.

2. That his *success* as a Rector can easily be demonstrated by *two* circumstances, *one* being, that the modest wooden structure in which he began his ministrations, soon became

too small for the steadily increasing congregation, and had to give way to the present beautiful and commodious church edifice; the other being, that this parish, from having been small and comparatively unimportant, became one of the most flourishing and useful in the county.

3. That he was beloved and revered not only by all the members of his church and congregation, but by all the people of this village and district that knew him, no matter whether they belonged to the Methodist, Baptist, Presbyterian, or any other church.

4. That his departure brought grief to every heart, and that the poor of all sects lost in him their best friend.

5. That his purity and simplicity of life, his untiring and unselfish devotion to all who needed aid, procured to him, most justly, the undivided love of the entire people, who censured only the last act of his life amongst them, the one which took him from their midst—his acceptance of the call to Christ Church, Germantown.

White Plains, N. Y., *January* 18, 1872.

F. B. Van Kleeck,
Rector Grace Church, White Plains, N. Y.

Joshua Horton,	Elisha Horton,
	Wardens.
M. M. Fisher,	Wm. H. Huestis,
Jno. Swinburne,	J. C. Buckhout,
E. T. Preudhomme,	Samuel Faile,
H. Ernest Schmid,	S. A. Martin,
	Vestrymen.
Jane Cammann,	David Horton,
Phebe McDonald,	Isaac V. Fowler,
W. H. Dearman,	J. O. Dykman,
Mrs. S A. Dearman,	Jno. L. Anderson,
John Philips,	F. Carpenter,

Mary Philips,
F. H. Powell,
R. Kennedy,
E. Kennedy,
J. E. Kennedy,
Henry Williams,
Mary E. Williams,
Mary E. Baldwin,
O. Cross,
St. John Brown,
John Metzer,
Joseph Lye,
Helfrich Bromm,
Conrad Bromm,
Lewis Buckhout,
J. W. Buckhout,
Edward Schimer,
L. S. Peck,
F. J. Preudhomme,
Eliza H. Fisher,
Caroline Fisher,
Mrs. Selina H. Thompson,
Gilbert Lyon,
Anna Lyon,
Sarah C. Lyon,
Phebe Lyon,
Lizzie F. Walton,
Mrs Mary Farr,
Thomas Prior,
N. B. Hunter,
A. K. Dunn,
Walter G. Mackay,
Elisha Horton, Jr.,
Henry M. Bissell,
Mrs. Julie Adler,
M. J. Adler,
A. Adler,
E. T. Adler,
A. S. Jarvis,
Mrs. A. S. Jarvis,
Mrs. A. S. Davis,
Miss N. Jarvis,
Anna H. Jones,
Mrs. S. B. Attwater,
Katharine C. Smith,
Sarah M. Jarvis,
M. F. Harris,
Mrs. M. M. Fisher,
H. A. Little,
Mrs. Wm. Huestis,
E. S. Underhill,
Joseph Thompson,
Mrs. A. Roe,
Louisa Roe,
Elizabeth Roe,
Mrs. E. Prior,
Alex. W. Russell,
R. L. Zimmerman.

APPENDIX "H."

MR. W. C. HOUSTON'S LETTER.

E. Washington Lane,
Germantown, *September* 20, 1871.

Rev. T. S. Rumney, D. D.,

Dear Sir:—I have been informed that during my absence from home, my son, on putting on a coat that he had not worn for some weeks, discovered in the pocket of the same a letter addressed to me. Having authorized him to open my letters during my absence, he opened it, and finding it was from you, repaired at once to your house to make to you his explanation of the subject, and as you were absent, made it to Mrs. Rumney.

Of the character of his explanation I have no knowledge beyond the above, as he had to leave home on business before I reached home, and has not yet returned; but I presume it to be that the letter was handed to him by the carrier; that he put it in his pocket, intending to hand it to me, but happening to change his coat, and not to wear it again for several weeks, he entirely forgot the receipt of it.

I can only say, that I sincerely regret the occurrence—especially that the first that has happened should have been with your letter, which the committee felt they had a right to expect from you; but now having it, and finding it was dated five days after our communication, it is but just that you should be relieved from a seeming want of courtesy as implied in the note addressed to you under date of August 25th.

Your letter of 2d, postmarked 4th instant, was not received by me until Saturday evening. My son was expected home yesterday, and I delayed sending you a "written acknowledgment of the missing letter," hoping to have from him

his explanation to send to you, but as he has not arrived, I have deemed it best to wait no longer.

Repeating my regret of the unfortunate occurrence, I am

Very respectfully yours,

W. C. HOUSTON,

Chairman of Committee.

P. S.—I open this to say that my son has just arrived at home. He says my explanation of the cause of delay of yours of 31st July, is substantially correct, and that he will hand you this, if you are in, and confirm my statement.

APPENDIX "I."

Bishop Eastburn's Decision.

Note.—As Bishop Eastburn is expressly referred to by the complainants as one of their "highly esteemed fathers" in the church, his fatherly action in the following case ought to have weight with them. It is certainly a case in point for the consideration of this tribunal.

A statement of the case of the Rev. William Rawlins Pickman, Rector of St. Peter's Church, Salem, Massachusetts.

Mr. Pickman was rector of St. Peter's Church, and on April 18th, 1865, received the following communication:

Easter Tuesday, *April* 18, 1865.

Rev. and Dear Sir:—At the annual Easter meeting last evening the following resolutions were passed by a vote of thirty-four yeas to fifteen nays.

"*Resolved*, That the proprietors of St. Peter's Church, in parish meeting assembled, feel constrained to express their opinion and conviction that the interests of the parish will be best subserved by a termination of the connection between them and their present Rector.

"*Resolved*, That the clerk cause a copy of these resolutions to be sent to Rev. Mr. Pickman, and that when this meeting adjourn, it adjourn to meet at this place on Monday evening next, 7½ o'clock P. M."

To this the Rector replied, that were he "to accede to their resolution, he would go from them with an utterly ruined character;" that while he had been assailed by public slander with a grossness, a pertinacity, and a malignity which falls to the lot of few men, they had refused as a body to bring any charges against him, by meeting which he could defend himself, and that in short he felt constrained to express his 'opinion and conviction' that the interests of the parish and the interests of the Rector would be materially injured by a termination of the connection existing between them at present."

At a subsequent meeting of the "proprietors," the following resolution was passed by a vote of thirty-seven to eight.

"*Resolved*, That for the purpose of bringing back harmony to the parish, and wholly disclaiming any intention of imputing to the Rector any wrong, the proprietors hereby reiterate their opinion as to the expediency and necessity of such dissolution, and most respectfully and earnestly request their Rector, the Rev. William Rawlins Pickman, to resign his charge of this parish."

The Rector declining to follow the advice of these gentlemen, at a subsequent meeting, by a vote of thirty-seven to nine, they declared the pastoral relation dissolved, and appointed a committee "to apply at once to the Bishop for his concurrence in such dissolution."

The application having been made, the Bishop replied to the chairman of the committee as follows:

Boston, *May* 10, 1865.

My Dear Sir:—I have received from you a copy of certain proceedings of the proprietors of St Peter's Church, Salem,

including a resolution which was passed, dissolving the pastoral relations between the parish and its Rector, and appointing a committee to ask for my concurrence in such dissolution. You also, on behalf of said committee, request me to indicate the time, place, and mode in which it will please me to meet the committee, and hear their views on the subject.

Having already heard statements from two gentlemen of St. Peter's, in a recent visit which they made to me, and also stated my views to them, I do not perceive the necessity of a personal conference with the committee. In one of the resolutions passed on May 1st, the proprietors declare that, in one resolution adopted in the annual Easter meeting, they had "no purpose of casting any imputation upon the character of their Rector in any of his relations as a man, a clergyman or a Christian;" and in the other resolution they wholly disclaim "any intention of imputing to the Rector any wrong."

This being the statement of the proprietors in regard to the Rev. Mr. Pickman, *I feel that I should do a great act of injustice to him*, by concurring with the action of the proprietors. I therefore decline so doing.

I am very respectfully, yours,

MANTON EASTBURN.

JOHN KILBURN.

At the conclusion of the reading Mr. Conarroe said: There was a mistake in the copies of the canon printed on a loose slip, and furnished by complainant's counsel to this Board, and we have therefore had the canon correctly printed at the end of this pamphlet.

MR. VAIL. Please state the mistake?

MR. CONARROE. The mistake was in the transposition of the proviso—an awkward error.

Mr. Vail. Please state how it was made, so that the gentlemen of the Board may know, or they may imagine Mr. Vail made the mistake.

Mr. Conarroe. I beg pardon. The mistake occurred in this way: Mr. Vail took the canon from the columns of the Daily Churchman, where it was printed erroneously. I have taken it from the official copy furnished to me by the Rev. Dr. Perry, Secretary of the General Convention.

Mr. Vail. May it please the Board, we are prepared to go on at any time this Board may decide. We prefer that you should indicate to us the manner in which we should proceed. Within a week from to-day, we shall be prepared to go on with the evidence, or hear anything that may be said on the other side, or if these gentlemen ask two weeks?

Mr. Conarroe. "These gentlemen" do not ask two weeks. It is to be supposed that the complainants knew what their case was before it was commenced. They had months in which to prepare it, but we heard their complaint for the first time when the statement was read before this Board, and of course required time to put in an answer. After an answer is read, which is simply responsive to the allegations, it is not usual to allow complainants any continuance at all, but as a matter of courtesy to the other side, I suggest that Monday next at furthest be fixed, and that this Board proceed with the case at that time. There is nothing which requires a week's delay. We have the right to demand that the complainants go on with their case, but we are willing to concede an extension of time until Monday.

Mr. Price. The complaint has been read to the court, and we certainly were entitled to know in advance, what would be the case set up on the opposite side. A great deal of it appears to be confession and avoidance, and a good deal of the contents of the pamphlet that has been read, is matter which would hardly be listened to by the court as evidence, and certainly does not apply to the com-

plaint as it has been made. What I understood Mr. Vail to ask of the court, is simply to designate what course of proceeding they desire this case to take.

We are not just now in the position of applying for time, but are simply asking that the court shall indicate to us in what manner they propose we shall go on, and in what manner they propose to hear the case, and of course we shall adapt our case to their plan, and if any more time is desired by the other side they can have it.

Mr. Conarroe. Without desiring to trespass upon the time of the court, I would say that the position of the case at present is this: The complainants have brought in their complaint. We have put in our answer. The canon under which this Board of Reference is assembled prescribes that the five Presbyters shall hear the allegations and proofs which the parties may submit to them. You have heard the allegations on the other side, and you have heard the answer, and such allegations as have been made on behalf of the respondent. It now simply remains for the complainants to go on and prove their allegations. If they fail to prove their allegations, the case falls. If they prove anything material, opposing proof will be furnished by the respondent.

Mr. Price. I do not understand the case to be quite as now mentioned. I understand the case presented to your notice to be that a difference exists between the Vestry and the Rector of Christ Church, Germantown. That was shown to you in the statement presented at the first meeting; enlarged upon in a manner, perhaps not necessary, showing to what ends it had led. Now in answer to that statement, or in what is called an answer to it, a pamphlet has been read, which if I view it correctly, sustains the allegation that is made on the part of the complainants; to wit, that a difference exists between the Vestry and the Rector of Christ Church, Germantown. My friend, Mr. Conarroe, appears to think that we have statements of

fact in our pamphlet which we are bound now to go on and maintain by proof. I say the only important fact we bring to the attention of the court is that a difference exists. As to the other facts, I do not suppose it is necessary to give them in proof before you; some of them are confessed and admitted by the counter statement. If any proof is to be given as to these facts in any form, it should come from the other side. I desire that my friend should designate what facts he thinks we should support by proof?

Mr. Conarroe. All the facts, may it please the court, which the other side consider material for the support of their case. If it is maintained that all this court need do is to ascertain the mere fact that a difference exists, and that then—no matter whether that difference be well founded or not, no matter who is in fault, no matter whether the clergyman be in fault or not—the mere fact of such difference is conclusive, and under this canon this court can go no further into the case, but must recommend a dissolution of the pastoral connection, I should like to know it, for I would have something to say on that point. Is that the complainants' view of the canon?

Mr. Price. I can only say that is the language of the canon, and I suppose that should govern the court and the advocates also.

Mr. Conarroe. If that is the language of the canon I beg leave to read a little more of it. The words of the canon under which this Board is constituted are these:

"Section second. The five Presbyters thus designated shall constitute a Board of Reference to consider such controversy, and if after hearing such allegations and proofs as the parties may submit, a majority of the Presbyters shall be of opinion that there is no hope of a favorable termination of such controversy, and that a dissolution of the connection between such Rector or Assistant Minister and his parish or congregation is necessary to restore the peace of the Church and promote its prosperity, such Presbyters shall recommend to the Bishop that such minister shall be

required to relinquish his connection with such Church or parish, on such conditions as may appear to them proper and reasonable."

This Board is therefore to ascertain, First—whether there is a controversy.

Second, whether that controversy is irreconcilable.

Third, whether a dissolution is the only remedy for the controversy. Whether a dissolution of the connection is necessary to promote the peace of the Church and the prosperity of the parish. In ascertaining these facts they can do nothing less than go into the merits of the whole case. If it is proved that the agitators form but a small insignificant minority; or a minority, if they be not small or insignificant; then it only remains for the respondent to show that such a dissolution is not necessary to restore the peace of the Church. We have here, at the conclusion of the answer, the certificate of certain vestrymen, former vestrymen and members of the congregation, directly on that point.

"We further certify to our firm belief that the interests of the parish and the interests of Rector would be materially injured by a dissolution of the present pastoral connection; and that the peace of the Church would be more disturbed by the removal of the Rector at the present time than by any other possible cause."

Now the statement on the one side must be proved, and the case of the respondent on the other hand, of course, must be proved. If the complainants prove no case here, there is nothing for the respondent to reply to. It is not a mere question of whether this court or Board shall ascertain that there is a controversy and that it is irreconcilable, but the question is whether there is a controversy, who is in fault in that controversy, and is a dissolution of the pastoral connection the proper and the only necessary remedy?

Mr. Vail. I think it would be as well probably to read a little history of this canon, as it is a new canon.

Mr. Conarroe. I do not want to interrupt the gentleman, but really, this hearing must proceed in some sort of

orderly and legal way. The gentleman knows himself, and I know, that he could not attempt such a manner of conducting a cause in court. When the plaintiff is called on to prove his case, if his counsel were to say, "I will read a history of a canon" or of an Act of Assembly it would be absurd. It might be very well in his argument at the close.

Mr. Vail. I leave it to you gentlemen. Our view of the case is this: There seems to be some hesitation in the beginning, a little hesitation as to how we are to proceed in this cause, otherwise it may take one or five years, if we are to take up the whole congregation and bring them before you; I submit entirely to your decision. We do not want to inflict any more upon you than we can help. This is merely to show you how the canon originated and what it was intended for, without saying anything about the present case.

Rev. Mr. Harris. I agree thoroughly with my colleague that this is hardly the time in which to give a history of the canon. That properly forms part of the argument.

Mr. Vail. I merely offer it in this way; for this honorable Board must of course indicate some form of proceeding. It may be said that in every court of justice, the history of every statute is well known to the court. The court have laid down rules for their order and proceeding. I have been unable to find but four cases under this canon. It has been so seldom enforced that strict rules are not laid down. So that each Board will have to lay down some rules for its own guidance. We do not wish to go into an argument as to the merits of this case; we only wish to show the origin and what was intended to be done. Simply the origin of this very canon.

Mr. Conarroe. I can only renew my objection that such a proceeding is totally out of place at this stage of the cause.

At this point the Board withdrew for consultation.

Rev. Dr. Beasley. I am directed, first to ask the question, are both parties prepared to rest the case upon the pamphlets they have presented?

Mr. Price. I think that on behalf of the complainants, I might say yes. In the absence of the court I have been suggesting to the counsel on the other side, that each pamphlet contains sundry statements, which, in the originals, bear the signatures of responsible parties. I ask why call upon them to bear witness to what they have already said over their signatures? Why cannot we admit on each side that the pamphlets shall be taken by the Board for what they are worth. As at present advised I should answer the President of the Board in the affirmative.

Mr. Conarroe. We are perfectly willing to agree to submit the case upon the pamphlets.

(A consultation here ensued between the Rev. Dr. Goodwin and the counsel for the complainants.)

Mr. Price. The complainants think that they may have occasion to add some further evidence and facts, but so far as the pamphlets go they are willing to adopt them.

Rev. Dr. Yarnall. Then you don't submit the case on the pamphlets.

Mr. Conarroe. May it please the Court, the complainants are simply avoiding the question; for if the complainants have something to add, the respondent may have something to add, and you will never get to the end of it.

I would like to ask if the venerable gentleman on my right is one of the counsel in this case? I see a gentleman who was nominated by the complainants as one of the Presbyters to compose this Board, whose name was excepted to for cause, and whose name was stricken from the list. He appears to be acting as counsel on the other side, the impropriety of which is obvious.

Rev. Dr. Beasley. Are the Board to understand that both parties will rest their case upon the pamphlets as we have them before us?

Mr. Price. Not entirely rest the case upon the pamphlets. Upon consulting with one of the gentlemen I am

informed that there ought to be some evidence added to the statements of the pamphlets. Therefore, I am willing to rest it upon the statements that the pamphlets contain, to that extent on each side, and to add what they may deem necessary. I am not able to state to what length.

Mr. Conarroe. The complainants have expressly rested their case, may it please the Court, on the statement. Now it is a well known point in criminal law, (and this canon to some extent is a penal statute) that after an indictment is submitted, it cannot be amended. These prosecutors here are really asking to have a chance to amend their indictment, by adding "whatever may be deemed necessary."

Mr. Price. Not even that, but adding evidence in support of what is originally alleged.

Mr. Conarroe. There is no objection to that, if both sides are to go into testimony.

Rev. Dr. Beasley. Under the present circumstances I have to ask the complainants if they are prepared to go on immediately.

Rev. Mr. Harris. Mr. chairman, I beg to renew the question which was put by my colleague, and which was not answered, whether the Rev. gentleman on the right is acting as one of the counsel for the complainants? I would like to have a clear and definite understanding. I refer to the Rev. Dr. Goodwin.

We understood that the counsel for the complainants in this case were Mr. Vail and Mr. Price. There appears to be a consultation with the Reverend gentleman and the complainants, and I ask on the part of the respondent whether he is one of the counsel on the part of the complainants?

Because, if so, it seems to me that the delicacy of the proceeding might be questioned, as the gentleman was one whose name was put upon the list as one of the judges in this case. He was excepted to by the respondent for cause. He is also a clerical member of the Standing Committee of the Diocese of Pennsylvania, under whose review, in the absence of the Bishop, this case may possibly come.

Now, I leave it to the Court whether his acting as counsel in this case is consistent with propriety.

Mr. W. C. Houston (one of the complainants). It may be proper to say that we clearly understood that we might have a clerical representative.

Rev. Mr. Harris. I do not deny that, and I have no objection at all on the part of the respondent (though I have not consulted with him at all, I am speaking of my own motion) to the complainants getting as many Presbyters as they think proper to advise them, but I claim under the peculiar circumstances, that this individual Presbyter is a little out of place, when he appears as one of the counsel on the other side.

Mr. Vail. On what grounds?

Rev. Mr. Harris. On the ground that his name was put upon the list of judges in this cause as a member of this Board. That it was excepted to by this respondent for cause, and stricken off, and, therefore, one would suppose on that ground his connection with the case officially would cease.

I object to him in the second place, because he is a clerical member of the Standing Committee, a committee which acts as a "council of advice" to the Bishop, and that in the course of his official duties in that capacity, he may have to review this very case, which he has worked up.

Mr. Vail. Will my friends point out the reason of this?

Mr. Conarroe. It is looked upon in the same light as if one of the judges of the Supreme Court was to come down and assist in the trial of a cause in the District Court, when he might afterwards be called on to review the case.

Mr. Vail. May I ask the gentleman to state under what section of the canon the decision of this Board will come before the Standing Committee for review?

Rev. Mr. Harris. I believe, sir, that the Standing Committee has, as one of its duties, the counsel and advice of the Bishop, and this case may come, or the judgment of this Board may come, before the Bishop. I presume my

learned friend will not dispute that, in fact, it may come before him in such a way that he may wish to have advice as to how he shall act. It is a perfectly supposable case. I do not say it will be so. I will not argue the case. If he thinks I have not drawn attention to him sufficiently, I have nothing more to say.

Mr. Vail. If you will be kind enough to show any section of this canon which requires that the judgment of this Board may come under the decision of the Bishop; I am so stupid I am not able to see it in any place. I do not think that the gentleman's name, as one of the Presbyters, was stricken off for cause, but because the respondent has a right under the canon, in the same manner as in the Courts. Nine were named, and they had to be reduced to five by the alternate striking off of names.

Rev. Mr. Harris. I beg your pardon, I know of one member who was stricken off by the other side from motives of delicacy. I refer to a clergyman of Germantown, with whom some of the other side have had very pleasant relations, but thinking it would at any rate serve to create an unpleasant feeling, and in the kindness of their hearts, so I understood, they objected to his name. I do not mean to say the cause in this case was the same, for I do not believe it was.

Mr. Vail. My friend will agree with me as to my assertion as to the practice in the courts. The counsel have a right to strike off so many names, absolutely, of a jury without any reason. They then can go on and strike off further, if they can give cause as to relationship or anything of that kind. In legal parlance, for cause, means a certain thing, but striking the name off here means another thing.

Rev. Mr. Harris. The name was stricken off because the gentleman was a member of the Standing Committee.

Mr. Conarroe. It is an immaterial point, may it please the court. I do not think it is a point worth arguing. It is a question of propriety. I will only say one word, and

that is, if the other side can stand the impropriety of the thing, I am sure we can. We have nothing more to say.

Mr. Vail. Then I would ask the Board, as it is now five o'clock, to adjourn to either Monday or Thursday.

Rev. Dr. Beasley. We now adjourn to meet at this place on Monday next at 3 p. m.

FOURTH DAY'S PROCEEDINGS.

March 4, 1872.

The Board of Presbyters met in the Vestry room of the Church of Epiphany at 3 p. m.

Present—Rev. Dr. Beasley, Rev. Dr. Yarnall, Rev. Dr. Miller, Rev. Dr. Davies, Rev. Mr. Perry.

The complainants and their counsel.

The respondent and his counsel.

Rev. Dr. Beasley. The Secretary will now read a minute prepared by the Board.

The Rev. Mr. Perry then read the following:

The Board of Presbyters convened to consider the case of the controversy between the Rector of Christ Church, Germantown, and the Vestry of the said Church, having heard the statement of the Vestry and the answer on behalf of the Rector, are very desirous to have the matter, which has thus been brought before them, settled as speedily as possible.

They wish to avert, if they can, the unseemly continuance of strife, and especially at this holy season, to avoid the scandal of heated debate and acrimonious contest. They are therefore ready to take the case as it has been presented to them, and give it their careful consideration.

They have simply to determine so far as the basis of any action to be recommended by them may be concerned:

I. Whether there is any hope of a favorable termination of the present controversy.

II. Whether a dissolution of the connection between the Rector of Christ Church, Germantown, and his parish is

necessary to restore the peace of the Church and promote its prosperity.

But should it be desired to introduce any further proofs in support of what has already been alleged as ground of complaint against the Rector, such proofs must now be brought forward, as the final statement to be presented on the part of the Vestry of Christ Church, and opportunity will be given for the respondent to answer.

Rev. Dr. Beasley. Are the gentlemen now ready to proceed?

Mr. Vail. We have a statement, or rather reply, of eight pages, to the answer read on behalf of the Rector.

Mr. Conarroe. We would like to see this before it is read, because we may have a right to object to it. We may be willing to have it admitted. If so, it will save time and discussion.

Mr. Vail. We beg pardon of the Board for taking the time. I had promised my friend (Mr. Conarroe) a copy of this supplemental statement before we came here, but although we hurried the printer, we could not get it until just before the time for the Board to meet.

Mr. Vail. (Mr. Conarroe having finished reading the paper.) May it please the Board, my friend, after reading the document, has concluded not to object, therefore, we will read it. This is a reply of the Committee of the Vestry to certain allegations in the answer.

Mr. Conarroe. We would like to understand whether, when this supplemental statement is put in, that closes complainants' case?

Mr. Vail. Certainly, there is nothing more. We do not intend to introduce any oral testimony at all. That is our object, as we appreciate what the Board has already said, fully. We do not wish to keep up this disturbance any longer than can possibly be done.

The supplemental statement was then read by Mr. Vail, as follows:

In reply to certain allegations made in "an answer on behalf of the Rector," the Vestry of Christ Church, Germantown, respectfully say, that in their judgment, nothing contained in the answer controverts the position taken by them, viz.: That there is "a controversy between the Rector and the Vestry; that there is no hope of a favorable termination of such controversy, and that a dissolution of the connection between the Rector and congregation is necessary to restore the peace of the Church and promote its prosperity." Page 31 of the answer is the only one which attempts to explicitly deny any of these positions, and there the opinion of ten gentlemen are given.

The Rector's advocates have endeavored to sum up the substance of our statement and to refute it. Have they succeeded?

They say that we asserted "that Christ Church, Germantown, was organized by certain persons in the interest of the Low Church party," we did so assert, it is true, and they themselves confess it. The paper printed an pages 3 and 4 of our statement was prepared by Alfred R. Potter, one of the signers, and was signed by the others to show that "It was got up as a Low Church." (See Mr. Champion's letter, page 5, of the answer.)

The statement of the seven gentlemen is clear and distinct. The long letter of Mr. Beekman Potter contains but two things—abuse of the Vestry and other incorporators, and a setting forth of his personal claims. As to the absence of the signature of C. W. Robinson, you are respectfully referred to page 27 of our statement.

The Vestry deny that they have ever said or intimated, that Christ Church "owes allegiance not to the church at large, but to the persons who contributed money to its erection." The present Vestry have never repudiated any of the doctrines of the Protestant Episcopal Church, but are faithful adherents thereto, and propose so to continue. Should they be called upon to select another Rector, they

hereby declare that they would endeavor to elect one whose loyalty to its doctrines and discipline cannot be doubted.

As to the second summary upon page 3 of the Answer, viz.: "That the Rev. Dr. Rumney was elected Rector, unseen, unheard, unknown, upon the representations of certain members of the Vestry, which representations betrayed the remaining vestrymen into voting for him;" the Vestry did so state, and are prepared to sustain their statements. Mr. LeBoutillier distinctly and positively states that the questions recited on page 17 of our statement, and denied on page 10 of the Answer, were asked by him and answered as stated.

At the Vestry Meeting the nominator of Dr. Rumney read to another Vestryman a letter addressed to a member of Christ Church, which stated that Dr. R.'s church views would not accord with those of Christ Church; and, after reading it, placed it in his pocket, saying it would not do to read it to the Vestry. Had that letter been read this board need not have been convened.

We did say "that a very short time served to show that Dr. Rumney was not an evangelical man, as we Low Churchmen understand it, and that he was not willing to support these evangelical societies which it had been the invariable practice of Christ Church to support." We do not understand from anything that has yet been said or alleged in the answer or otherwise, that Dr. Rumney claims to be an evangelical man as we Low Churchmen understand it, or that he sympathizes in any manner with the Low Church party, or that the collections for the evangelical societies were made by his especial choice or desire, instead of under the direction of the Vestry, given in accordance with the By-Laws on the subject of collections in the church.

The fact that Dr. Rumney's church views and ecclesiastical position are not in harmony with those of the Vestry of Christ Church as at present and heretofore constituted, is too well known to require to be substantiated by proof in detail.

As to the comparative condition of Christ Church under the former Rector, and its alleged decline under its present Rector, we do not understand that any material point made in the statement of the vestry has been rebutted in the answer of the Advocates.

With reference to the Reading Room, we merely intend to state that it was in useful and successful operation under the Rectorship of Mr Atkins, and that it has not been restored by the present Rector.

As to the statement, that the "Mission in Lqhman street is fully as successful as Centre Mission," we can only reply, that it must have been made under an entire misapprehension of the former condition and work of Centre Mission.

The statement on page 18 of the Answer, that there is not now a vacant pew to rent in the church is incorrect; the fact being that there are thirty-five pews and parts of pews not rented; twenty-four of which are set apart as free pews. The Accounting Warden's books show that ninety-three whole pews and parts of five pews are rented; two others are occupied respectively by the Rector's family and the Sexton.

Many of the pews which are rented are held by persons who desire a change in the Rectorship.

The foot-note on page 19 is altogether incorrect. No inaccuracy was admitted at the reading, and no promise was made to insert the word "not." The facts are correctly recited in the Statement of the Vestry. The note from W. C. Houston, of September 20th, to Dr. Rumney, was not published in the statement because it was never presented to the Vestry.

The tabular statement of collections made on page 29 of Statement of the Vestry is correct. It professed to give only the average of the regular annual stated collections for certain specified objects, and not to include any special collections.

The collection for Foreign Missions, referred to on page 20 of the Answer, was a special collection taken in June, not

in September, and therefore not included. Special collections for other objects were taken within the five years, which, if included, would make the difference still more marked; one especially of over $3,000, another of $4,000. On pages 20, 21, and 22 of the Answer, reference is made to individual contributions, and the Accounting Warden's statement called in question. This reference shows that these amounts formed no part of the regular collections in the church, and therefore had no place in the Accounting Warden's books.

It is plain now, if it was not before, that the gentlemen, whose private contributions we referred to, did not intend that their gifts should go to the credit of Christ Church. Is it ingenuous to claim that credit? These gentlemen as plainly intended that the societies in question should not suffer from the deficiency in the contributions of Christ Church. We suppose every man has the right to make or withhold his benefactions when and where and through what channels he sees fit, and that no other party on earth has any more right to call in question his conscientious action in doing what he will with his own, than he has to call a man to account for voting according to his conscience.

It will certainly appear that if these gentlemen withdrew or were driven away from Christ Church, the amount of her contributions to these objects would be greatly diminished.

Article 3d, Section 1st of the By-Laws provides that the Accounting Warden shall receive the moneys of the Church, and pay the same under the direction of the Vestry. The Warden states that in no year since he became Warden has he failed to present to the Vestry his yearly financial statement, duly audited by the proper committee. After it has been presented, it becomes the property of the Vestry, and the Warden is no further accountable for it. We may add, that he has frequently been complimented upon the accuracy with which the accounts have been kept. It will thus be seen how groundless are the aspersions cast on him on page 28 of the Answer.

At the bottom of page 22 of the Answer, an attempt is

made to show an increase in collections taken for the American Church Missionary Society. In the language of the Answer, "accuracy of figures does not seem to be one of their gifts;" the true figures are—

Collection, September 18th, 1870, . .	$473 85
" " 24th, 1871, . .	54 82
Decrease	$419 03

On page 23 of the Answer, a vague charge is made. If it is intended to state that the persons who now oppose the Rev. Dr. Rumney, stirred up controversies in Christ Church in the times of Mr. Atkins, it is unfounded. As to the gross personal attack upon Mr. Charles Spencer, we need only refer to his nearly sixteen years' connection with Christ Church as a communicant. On becoming a member of the church, he was informed by its Rector that his long connection with an Evangelical denomination rendered confirmation unnecessary. The omission of confirmation in his case, having caused some discussion amongst certain members of the church, he conferred upon the subject with Bishop Stevens, who advised him to be confirmed; whereupon he expressed his willingness to be confirmed, and a desire for that ordinance, and on the return of the Bishop, intends to present himself for confirmation.

As to the attack made upon two ladies of the congregation on page 27, and also in Appendix D. we are content to rest the matter upon the following letter from one of the ladies, the other being absent in Europe. It was at the house of the writer that the "meeting" referred to was held, and her character is so well known in Germantown, and particularly in Christ Church, that her word will not be doubted by any one, whose opinion is worth considering.

January 15, 1872.

"At your request I give the names of the members of our Parish upon whom I called, in company with Miss ——, last fall. The work was undertaken with great reluctance, but we were soon convinced it was a necessity, as we found that many of our most earnest members had signed a paper circulated by friends of the present Rector, which stated that it was considered for the spiritual welfare of the Church that he should retain his position. Knowing that these parties were in full sympathy with the views upon which Christ Church had been founded, and hitherto stood, we inquired if they had read the paper to which their signatures were attached; the almost universal reply was "*no*, but they were told it was only expressive of friendly feeling towards Dr. Rumney, and as they had had no personal difference with him, felt very willing to give their names." We explained to them that the Vestry had felt it their duty to circulate another paper, *simply because* this wrong statement had been made. That though there was no personal feeling against the Rector, they were convinced his views were not in fellowship with the evangelical party in our Church, nor could we continue, under his pastorate, to be a representative church of such views. In no case did we permit a signature to the paper furnished us by the Committee unless *fully convinced* it was done under intelligent convictions. In several instances we found persons who were in full sympathy with us, unwilling to sign any paper, and as their motive was a conscientious one, we immediately left them, with the assurance that we were entirely willing to leave the matter as one which they, of course, must decide for themselves.

Hoping this statement will be satisfactory, I remain."

As to the Sunday School statistics given on page 53, we herewith present another table made by the same gentleman, and showing the average actual attendance including Bible Classes.

1865,	375
1866,	370
1867,	369
1868,	337
1869,	350
1870,	270
1871,	260

We have just received a copy of the paper containing signatures asking Dr. Rumney to remain, and therefore have not had time carefully to analyze it, but it appears, on the face of it, strange that 101 names on that paper should chance to represent 337 members of the congregation, while 129 names on the opposite paper should represent but 173. On page 16 of our Statement it will be seen that we counted only such members of the congregation as were over 15 years of age. On what basis did their estimate proceed?

Of the 129 names on the paper addressed to the Vestry, the answer endeavors to show in its appendix that 23 have been withdrawn. It will be observed that the precise language of these persons is not professed to be reported; they probably answered the questions, the precise bearing of which they may not have understood. We have not called, nor do we intend to call upon those persons to question them, they have not been cross-examined here; and we might reject their whole testimony. But to save the time of the Board in examining witnesses, we will concede that there have been found 23 of our 129, who on being applied to by the Rector in person have in the kindness of their hearts, not had the firmness to tell him to his face that they desired him to leave the church.

But it will be observed, first, that with five or six exceptions these 23 are admitted to have expressly desired that the Church should continue as heretofore a "Low Church;" and second, that more than 100 names remain in unbroken opposition.

We have felt compelled to make these additional statements to vindicate ourselves from the attacks made upon us in the Answer made on behalf of the Rector.

W. C. HOUSTON,
CHAS. SPENCER,
W. B. WHITNEY,
Committee.

J. W. Lewis has been absent from the city.

Statement of W. C. Houston.

A duty to myself and those with whom I have acted, compels me to notice certain statements in the "Answer on behalf of the Rector," as presented to the Board.

Germantown is my *legal* place of residence, and I have only spent the past few winters in the city.

I do not recollect of saying, "I was willing to vote for any man endorsed by Dr. Childs,"—I did vote for Rev. Dr. Rumney by reason of the representations of Messrs. H. H. Houston and Crenshaw.

I did not "leave Christ Church in 1868," but I attended St. Michael's for a few Sundays in 1869, for a reason which the members of Chirst Church knew had no reference to the church views of Mr. Atkins, and I did not cease to pay the rent of my pew.

I claim that my contributions to different objects for which collections were made, were in no way connected with the Chuch, and never heard of such contributions being so claimed or credited, as are stated on pages 20, 21 and 22.

The parties who furnished the information to the Answer, well knew that the collections have been decreasing for two years, and hence the necessity of adding *individual* contributions that had never passed through or had any connection with the church.

W. C. HOUSTON

Mr. Spencer's Statement.

The letter of Joseph A. Schaffer, on page 40 of the Answer for Dr. Rumney, refers to an alleged interview with me, "a few days after the Easter election in 1871," and represents me as saying, "I have a paper requesting Dr. Rumney to resign his position as Rector of Christ Church, nine of the Vestrymen have already signed the paper, and I want you to make the tenth." I have no recollection of ever asking Mr. Schaffer to sign any paper; and it is certain that at the time referred to, no such paper existed. The first paper requesting Dr. Rumney's resignation was not prepared until late in the month of June. The deductions drawn on page 27 of the Answer, from this apocryphal statement, may therefore be regarded as unfounded.

It is quite true Mr. Miskey and I did call upon Mr. Floyd, who is probably "the friend" referred to by Mr. Schaffer, and who told us that a certain gentleman sustaining Dr. Rumney, had been a great friend to him, and he was afraid if he voted our ticket the gentleman would withdraw his friendship. I told him that, if for voting as his conscience dictated, the gentleman withdrew his friendship, I would be his friend to an equal extent. I felt sure that the gentleman named had too much integrity of character to withhold his friendship from a man simply for doing what he conceived to be his duty.

I should have much preferred to have left these papers unanswered, feeling assured that no one who knew me would believe them, but as they will probably be widely circulated, I have felt it necessary to notice them.

CHAS. SPENCER.

Church Lane, Germantown, March 4, 1872.

Edwin M. Lewis, Esq.,

My Dear Sir:—I was much surprised to find in Dr. Rumney's answer to our statement your note to him of February 13th.

When Mr. W. C. Houston and I called upon you to procure your signature to our petition asking Dr. Rumney to resign, you assured us that could we give you evidence that our petition would induce Dr. Rumney to resign, you would sign it. Therefore, I could not see that in my note to Dr. Rumney, I was taking undue liberty with your name in stating that, although you had not signed our paper, you fully endorsed it.

Very truly yours,
CHAS. SPENCER.

[Mr. LeBoutillier was absent from the city at the time the answer was read. He has not yet returned. This will explain why he has not answered the aspersions cast upon him.]

Mr. Conarroe. I desire here and now to correct the assertion just made in the supplemental statement that no inaccuracy was admitted at the reading of the original statement, and that no promise was made to insert the word "not." This assertion is so directly contrary to the facts that it cannot be allowed to pass unnoticed. The language attributed to Dr. Rumney, was distinctly denied when it was first read before the court, and it was distinctly corrected. There is no doubt of the fact. I heard the correction. Dr. Rumney heard it, Mr. H. H. Houston heard it. This court can say whether there was an interruption during the reading of that document and a promise of correction or not.

Rev. Dr. Yarnall. I recollect the circumstance.

Mr. Vail. I did not hear the correction, and the gentleman who read the statement says he did not promise to make the correction, and that if anything of that sort was understood, it was a mistake. But I am not going to say it did not happen because I did not hear it.

Mr. Conarroe. There is no doubt of it at all. Now, may it please the court, we have a brief supplemental answer, on the part of the respondent, which I beg leave to read:

SUPPLEMENTAL ANSWER.

The complainants having been permitted to lay before the Board additional matter in explanation of their case, the respondent claims leave to present the following additional facts:

I. Twenty-five different clergymen were nominated for the office of Rector of Christ Church, between September 7th, 1869, and the time of Dr. Rumney's election. Nine Vestry meetings were held, and numerous ballots were had, and the minutes of the Vestry show that only two of the twenty-five could be elected.

II. Of the persons certifying that they will be voters, and how they *will* vote at the next election, R. B. Dunning, H. W. Heiskell, and C. P. Bayard are Presbyterians, and do not attend Christ Church; George Nugent is a Baptist, and does not attend Christ Church; and E. F. Shoenberger is a member of St. Paul's, Cheltenham, and does not attend the Church.

III. To show the hollowness of the statement (p. 8), that "these people" (meaning the complainants) "built the Church, and for fifteen years maintained it," and the impression sought to be conveyed that they still maintain it, it is answered:

1. That a large majority of the complainants came into the Church long after it was built, and that they have contributed no more in proportion for its support than the friends of the Rector.

2. That Messrs. Powers and Le Boutillier, the only two of the complainants who contributed to the original erection, received in pews or scrip, or other money equivalent, full value for the greater part of their contributions.

3. That for some years past, the pew rents have amounted to about $4,000 to $4,200 annually, while the current expenses have been about $5,000, and a deficiency of about $1,000 has been usually collected by the Vestry from members of the parish. At the Vestry meeting in November, 1871, Mr. Charles Spencer reported this deficiency, with a statement that he could devise no means to raise the required amount. Mr. W. C. Houston moved that a committee be appointed for the purpose. Messrs. W. C. Houston, Charles Spencer, and Charles Le Boutillier were appointed such committee, *all of whom declined to serve.* A collection was afterwards made in the Church, and $1,042 was collected. $1,000 of this amount was contributed by friends of the Rector, namely: Messrs. Chas. Bullock, M. S. Shapleigh, S. B. Kingston, S. K. Killé, E. Bedlock. F. Mortimer Lewis, E. A. Crenshaw, H. H. Houston, Madame Clement, and others. If the entire balance was contributed by the complainants, which is not likely, it would give $42 as the contribution of the nine, being an average of $4.66 to each complainant. This will afford a fair idea of the good faith of complainants, and of their anxiety to "promote the prosperity of the Church."

GEO. M. CONARROE,
Of Counsel for the Rector.

We hereby certify that the facts above set forth are correctly stated.

H. H. HOUSTON,
S. B. KINGSTON,
JOS. A. SCHAEFFER.

In the supplemental statement just read, Mr. W. C. Houston, as a sort of denial of certain facts stated in the answer says: "Germantown is my *legal* place of residence, and I have only spent the past few winters in the city." We have nothing to do here with Mr. Houston's legal place of residence, with where he may vote or be assessed, but with his ecclesiastical residence. I happen to have here a paper filled up in the handwriting of Mr. Houston, which shows his ecclesiastical residence to be in Philadelphia. We offer this paper in evidence. It is as follows:

"The Rector of Christ Church, Germantown, respectfully requests that the accompanying blank form may be filled up, in order that he may prepare a complete Parish Register. This paper may be returned to him by mail or left with the Sexton. "THEODORE S. RUMNEY, D. D., Rector.

"No. 36 Tulpehocken St.

"FAMILY REGISTER.

"Place of Residence, East Washington Lane, corner of Morton street.

NAMES OF ALL THE MEMBERS OF THE FAMILY.	Their relationship to the Head of the family.	Date of Birth of those now under 15 years.	Baptized.	Confirmed.	Communicants.	REMARKS.
W. C. HOUSTON,						All belong, to and are communing Members of the Church of the Atonement. (REV. DR. WATSON,) Philadelphia. City residence, 1737 Arch street.
MRS. W. C. HOUSTON,						
MR. AND MRS. F. H. WILLIAMS.						
Have six children besides Mrs. W.						

W. C. H."

We also produce before the Board the printed reports of the Evangelical Societies, from which the statistics in the answer were taken, and desire them, together with the Vestry minutes, which are here, to be considered as put in evidence.

There is one other paper which we desire produced here, namely, the original paper asking for Dr. Rumney's resignation. This paper has never been seen by Dr. Rumney or his counsel. It was asked for last summer, and has been repeatedly asked for since. As it is the paper on which the Vestry partly base their action in this case, it should be produced.

[Two papers were then produced by Mr. Vail, asking Dr. Rumney to resign, containing in all 46 signatures.]

MR. VAIL. There is a third paper containing additional signatures which I ought to have produced. We thought we had all three parts, but find that we are mistaken.

Mr. Price. I am requested to state that when the Committee of the Vestry called upon the Bishop last summer, he told them that he had written a letter advising Dr. Rumney to resign, that the clergy of Germantown had united in a letter asking him to withdraw his suggestion, but that he had declined to do so.

We ask for the production of the Bishop's letter, advising Dr. Rumney to resign.

Mr. Conarroe. Nobody knows better than my friend, Mr. Price, that a notice to produce must be given before the trial. There would have been no difficulty whatever about producing that letter, had we known it would be called for. I did not happen to bring it with me, and it is too late to call for it now. It was agreed that this case should be closed to-day.

Mr. Price. I understand then that there is no denial of the letter?

Mr. Conarroe. There is no denial, whatever; but we desire to state that the Bishop's first letter was written in June last, after hearing one side only, and without any notice to Dr. Rumney. When the Bishop was called on by Dr. Rumney's friends, about two weeks afterwards, he said that if he had known what he then knew, he would not have suggested a resignation. It should be especially noted that the letter we printed in the answer, is the final testimony of the Bishop after hearing both sides. We thought it would be better for the Bishop's reputation if the first letter was not alluded to here, but our friends on the other side have thought best to bring the subject in. The letter of September 30th, is a full answer to them.

Rev. Dr. Beasley. If the counsel are now ready they will proceed with the argument. I will have to observe to the persons present that perfect silence must be maintained, and that there must be no demonstration from any person amongst the audience. If we are annoyed in that way, we shall be under the necessity of asking all who are not in immediate connection with this case to withdraw from the room.

ARGUMENT OF MR. VAIL.

May it please the Board:—If a longer time had been afforded me for preparation, my remarks would have been more concise. The Board well knows that a concise sermon or speech requires more study and preparation than a long one.

I engaged in this cause with the greatest reluctance. I removed to Germantown last April, and since that time my intercourse with the Rector of Christ Church has been of the most pleasant character. I personally have the highest regard for him. A few weeks after my removal, I was called upon by a committee of the Rector's friends to sign a petition, asking him not to resign. I declined, and being urged, gave my reasons—that I found the Church divided by a controversy between the Rector and some of the congregation—that two tickets for the Vestry had been presented at the last election, and the one opposed to the Rector had been chosen—that it was not right to ask the Rector to remain in such a state of affairs. It was my intention not to sign any paper for or against the Rector. Afterwards, another committee presented me the petition, recited on page 19 of the Vestry's Statement. I at first declined to sign this, but the argument was used that it was the duty of every man who had a decided opinion to express it. After carefully reading the petition and seeing that there was nothing in any part of it that could in any manner reflect disagreeably on the Christian character or standing of the Rector, I signed it. I stand here to-day feeling that the cause I advocate is right, and that the peace and prosperity of the Church demand a dissolution of the connection between it and the Rector.

It has been frequently said to me, that no matter how the case was presented, it was prejudged, because a majority of the Board were of the Church party opposed to the Vestry. I could not believe this—the gentlemen were placed here as a Board of Reference to consider this controversy, and no matter what their party predilections may be, or what are their personal feelings, they must decide it upon the allegations and proof presented to them. Woe be the day in this country if it should ever come to pass that a Demo-

crat or Republican could not obtain justice in a civil court, because the judge on the bench was of an opposite political party.

Now let us consider the canon under which you act, for it all turns upon its interpretation. Let us look at its history.

It is not a new canon, although many think so. It is in substance the second and fourth canons of 1804, and is therefore older than myself and the majority of persons in this room.

The present proceedings are under and by virtue of the first five sections, and to these we confine our remarks.

The General Convention of 1804 was held in the City of New York, from Tuesday, September 11th, to Tuesday, September 18th.

The Journal of Saturday, September 15th, states:—

"A memorial was presented from the Vestry of Trinity Church, Newark, New Jersey, stating that a very unhappy difference which appears to threaten the very existence of their church, subsists between the Rector and the congregation of said church, and praying the Convention to devise some means for their relief."

The above memorial was referred to the following committee to report thereon: the Rev. Dr. Blackwell, Rev. Mr. Haskell, Rev. Mr. Brunson, Rev. Mr. Hobart, Rev. Mr. Price, Rev. Dr. Kemp, William Ogden, Thomas Cumpston, and Richard K. Heath, Esqrs.

On Monday, September 17th, the Journal states:

"The Committee on the memorial from Trinity Church, Newark, New Jersey, made report; on motion, the report was recommitted to the same committee."

Further, on the same day, it states:

"A proposed canon respecting differences between Ministers and their Congregations was adopted and sent to the House of Bishops for their concurrence."

The Journal of the House of Bishops states, that on the evening of the same day—

"The canon respecting differences between Ministers and their Congregations was passed with an amendment."

The Journal of the House of Deputies states, that on the next morning, viz.: Tuesday, September 18th, the House agreed to the amendments.

The same morning, the Committee on the Memorial of Trinity Church, Newark, made the following report:

"The Committee on the Memorial of the Vestry of Trinity Church, Newark, whose report was yesterday recommitted to them, made report, that as this Convention have passed a canon providing for such cases as that of the Vestry of said church, the committee think it unnecessary that this House should go into an investigation of the affair."

This Canon so enacted was Canon IV of the Convention of 1804, and was in the following words:

"*Respecting differences between Ministers and their Congregations.*

"In cases of controversy between Ministers who now or may hereafter hold the rectorship of churches or parishes, which controversies are of such a nature as cannot be settled by themselves, the parties, or either of them, shall make application to the Bishop of the Diocese, or, in case there be no Bishop, to the Convention of the State.

"And if it appear to the Bishop and his Presbyters, or if there be no Bishop, to the Convention or the Standing Committee of the Diocese or State; if the authority should be committed to them by the Convention that the controversy has proceeded to such length, as to preclude all hope of its favorable termination, and that a dissolution of the connection which exists between them is indispensably necessary to restore the peace and promote the prosperity of the church; the Bishop and his Presbyters, or, if there be no Bishop, the Convention, or the Standing Committee of the Diocese or State, if the authority should be committed to them by the Convention, shall recommend to such ministers to relinquish their titles to their rectorship on such conditions as may appear reasonable and proper to the Bishop and his Presbyters; or, if there be no Bishop, to the Convention or Standing Committee of the Diocese or State, if the authority should be committed to them by the Convention.

"And if such Rectors or congregations refuse to comply with such recommendation, the Bishop and his Presbyters, or, if there be no Bishop, the Convention or the Standing Committee of the Diocese or State, if the authority should be committed to them by the Convention, with the aid and consent of a Bishop, may at their discretion proceed according to the canons of the church, to suspend the former from the exercise of any ministerial duties within the Diocese or State; and prohibit the latter from a seat in the Convention until they retract such refusal, and submit to the terms of

the recommendation; and any minister so suspended shall not be permitted during his suspension to exercise any ministerial duties in any other Diocese or State. This canon shall apply also to the cases of associated Rectors and assistant ministers and their congregations."

This, with a few verbal alterations, is Canon XXXII. of 1808, and Canon XXXIV. of 1832. This last provides that *all* the Presbyters of the Diocese shall be summoned.

This canon remained until 1859, when it was repealed. I believe it was not intended to absolutely do away with it but to substitute another for it. It was found inconvenient if not impossible to convene *all* the Presbyters of one of our large dioceses.

In 1871 it was found necessary to re-enact this canon in principle. The present canon, under and by virtue of which you are now sitting, is the fourth of 1804 amended. The following is the text of Canon IV. of 1871:

[Sections VI., VII. and VIII. are in principle the same as Canon II. of 1804. They were not repealed in 1859.]

CANON IV.

Of differences between Ministers and their Congregations, and of the Dissolution of a Pastoral Connection.

§ I. In case of a controversy between any Rector or Assistant Minister of any Church or Parish and the Vestry or congregation of such Church or Parish which cannot be settled by themselves, the parties, or either of them, may make application to the Bishop of the Diocese, who shall thereupon notify each of the contesting parties to furnish him with the names of three Presbyters of the Diocese. The Bishop shall add to them the names of three other Presbyters, and the whole number shall then be reduced to five by striking off the names alternately by each of the contesting parties. Should either party refuse or neglect to name three Presbyters or to strike from the list as aforesaid, the Bishop shall act for the parties so refusing or neglecting. And in all the proceedings aforesaid the Vestry or congregation, as the case may be, shall be represented by some layman of their number duly selected by them for the purpose. *Provided*, that the party or parties applying as above shall first

give the Bishop satisfactory assurance of compliance with whatever may be required of them as the final issue of such proceedings.

§ II. The five Presbyters thus designated shall constitute a Board of Reference to consider such controversy, and if after hearing such allegations and proofs as the parties may submit, a majority of the Presbyters shall be of opinion that there is no hope of a favorable termination of such controversy, and that a dissolution of the connection between such Rector or Assistant Minister and his parish or congregation is necessary to restore the peace of the Church, and promote its prosperity, such Presbyters shall recommend to the Bishop that such minister shall be required to relinquish his connection with such church or Parish, on such conditions as may appear to them proper and reasonable.

§ III. If any Rector or Assistant Minister shall refuse to comply with the recommendation of the Bishop and Presbyters, the Bishop shall proceed to forbid him the exercise of any ministerial functions within the Diocese until he shall retract his refusal, or if the Vestry or Congregation shall refuse to comply with any such recommendation, they shall not be allowed any representation in the Diocesan Convention until they shall have retracted their refusal.

§ IV. When there is no Bishop, the President of the Standing Committee of the Diocese shall perform all the duties herein allotted to the Bishop: *Provided*, that he shall not exercise any power under the preceding third section without the aid and consent of some Bishop of this Church.

§ V. The preceding sections of this Canon shall not be obligatory upon any Diocese which has made, or shall hereafter make, provision by Canon, upon this subject.

§ VI. In case a minister, who has been regularly instituted and settled in a parish or church, be dismissed by such parish or church without the concurrence of the Ecclesiastical Authority of the Diocese, the vestry or congregation of such parish or church shall have no right to a representation in the Convention of the Diocese until they have made such satisfaction as the Convention may require. But the minister thus dismissed shall retain his right to a seat in the Convention, subject to the approval of the Ecclesiastical Authority of the diocese. And no minister shall leave his congregation against their will, without the concurrence of the Ecclesiastical Authority aforesaid; and if he shall leave

them without such concurrence, he shall not be allowed to take his seat in any Convention of this Church, or be eligible into any church or parish until he shall have made such satisfaction as the Ecclesiastical Authority of the diocese may require; but the vestry or congregation of such parish or church shall not be thereby deprived of its right to a representation in the Convention of the diocese.

§ VII. In case of the regular and canonical dissolution of the connection between a minister and his congregation, the Bishop, or if there be no Bishop, the Standing Committee, shall direct the Secretary of the Convention to record the same. But if the dissolution of the connection between a minister and his congregation be not regular or canonical, the Bishop or Standing Committee shall lay the same before the Convention of the Diocese, in order that the above-mentioned penalties may take effect.

§ VIII. This Canon shall not be obligatory in those Dioceses with whose Canon laws or charter it may interfere.

Under the Canon of 1804 a special convention of New Jersey was held in December, 1804, and by virtue of its provisions the connections between the Rector and Parish was dissolved.

Thus it will be seen that the origin of this canon was to meet a particular case, viz.: to enable the Vestry of Trinity Church, Newark, New Jersey, to be relieved from their Rector.

This Rector was Rev. Uzal Ogden, D. D. It will be well for us to consider what kind of a man he was, and what was his standing in the church.

Bishop White, in his memoirs, says, he " was possessed of apparent zeal and unexceptional in his moral conduct."

Dr. Ogden was a delegate in attendance at this very convention.

He had been a delegate to the General Conventions of 1785, 1786, 1789, 1792, 1799 and 1801.

Nor was he an unimportant member of these Conventions. We find him placed on important committees. In 1781, on the committee to take into consideration the letters and papers from the Arch-bishops of England.

In 1789, on the committee to prepare a body of canons for the government of the church.

In 1789 he was one of those deputed to present an engrossed address to the President of the United States.

In 1792 the General Convention appointed a standing committee, and chose him as one of its members.

And yet, in the case of a minister so distinguished, and against whose moral character no charges could be made, the General Convention of our Church felt it their duty to interfere on behalf of the laity.

The Rev. Cave Jones was Secretary of the House of Bishops in the General Convention of 1804.

In 1811, he and the Vestry of the Church, of which he was assistant minister, had a controversy arising out of a publication entitled, "A Solemn Appeal to the Church." The Vestry, by means of this canon, were relieved.

In reference to the case of Dr. Jarvis, referred to by Rev. Dr. Hare (see Journal of General Convention, page 521), I have not been able, as yet, to find any record. From conversations had with gentlemen, who were then living, and who have some recollections of the facts, I am enabled to make the following statement: Dr. Jarvis was a man eminent in the Church, a son of Bishop Jarvis. He was Rector of St. Paul's Church, Boston, at that time one of the wealthiest churches in our country. He held views more High Church than those of the congregation; there was also some dispute about his wife. Bishop Griswold convened the Presbyters of the Diocese, and they recommended a separation, on condition of the Church paying to him a large sum of money.

The canon was also applied in the case of Rev. Norman Nash, in New Jersey, in the year 1834.

It was also applied in February, 1849, to a case in Ohio. The Rector was recommended to resign, upon the condition that his salary should be paid to the date of the sitting of the Council. The Rector did resign.

These are all the cases of which I have been able to find any record, and the result in all was the same.

Let us now consider the provisions of Canon IV., of 1871.

Section I. provides when and how an application may be made, and how the Presbyters are selected. As all this has been done it is not necessary here to consider it.

Nor is it necessary here to consider Sections III. and IV. They merely provide the manner in which the recommendations of the Board of Reference shall be enforced.

Section II. is the important one to be considered. In it, and it only, are contained all your powers and duties.

You are constituted "a BOARD OF REFERENCE *to consider such controversy.*"

You are not convened to try the Rector or the Vestry, for the canon "contemplates no charges against a minister and no trial for offences." If any offences are charged, he must be presented and tried under another canon, and by another tribunal, in a different mode.

I pray you keep this distinctly in mind.

You are to consider such controversy. "Webster defines controversy thus: 'The expression or maintenance of feelings, opinions or course of action contrary to, or discordant with, those of others; contention, dispute, debate, dissension.' As Hon. Murray Hoffman well remarks,—'There are sometimes occasions of disagreement which, without much fault on either side, poison the connection and destroy its benefits.'" Or, as the committee of 1804 reported, "that the usefulness of a minister essentially depends on the preservation of harmony between him and his congregation, and that the cause of religion and prosperity of the Church must be materially affected, while disputes and discontents continue in the Church."

As such Board of Reference, it provides "that, if, after hearing such allegations and proofs, the parties may submit, a majority of the Presbyters shall be opinion that there is no hope of a favorable termination of such controversy, then," &c., &c.

The words of the old Canon are, "That the controversy was proceeded to such lengths as to preclude all hope of its favorable termination."

This is the first and main point which you must decide. If you are convinced that there is a hope of a favorable termination, you distinctly so say, and then the application of the Vestry falls, and you, as a Board, adjourn *sine die.*

You then have no power to impose or recommend any conditions whatever. Any recommendations you might then make would not bind either Rector or Vestry. Time only must show whether your decision is correct.

It may be said that there is a clause in Section I. which binds the Vestry to comply with anything your Board may choose to recommend. This clause is in the following words, "*Provided*, That the party or parties, applying as above, shall first give the Bishop satisfactory assurance

of compliance with whatever may be required of them, as the final issue of such proceedings."

This clause was not in the Canon as originally enacted by the House of Deputies. It was inserted as an amendment by the House of Bishops, and then concurred in by the House of Deputies.

Perhaps it was inserted to meet an objection stated by Dr. Hawks, in his "Constitutions and Canons," page 318. He says: "This is an instance, remarkable in the legislation "of our Church, for one feature; it allows to the *Clergy as* "*a class*, the privilege of determining, as against the laity, "when a brother clergyman has been unjustly or harshly "dealt with by his congregation; and they have in fixing "the terms of separation, the power which in some instances "they have exercised, of decreeing that the congregation "shall pay to the clergyman a sum of money, as a compen-"sation to him, for the pecuniary loss he sustains in being "driven to a separation by their conduct. The law is, how-"ever, little better than a dead letter; for if the congrega-"tion should refuse to pay the money thus awarded, they "are visited with no other penalty than that of being "refused a representation in Convention; and to many this "is no penalty at all." By this clause they are bound in honor to pay such sum.

The Vestry are bound to comply with whatever may be legally required of them under and by virtue of the Canon. Section II. states as plainly as is possible to be stated in the English language, that the Board or a majority of them, shall recommend, &c., on such conditions, &c., IF they shall be of opinion that there is no hope of a favorable termination, &c. Nothing is said that they shall make any recommendation, &c., if they find there is a hope of a favorable termination.

If you are of opinion that there is no reasonable hope of a favorable termination of the controversy, you must then consider whether a dissolution of the connection between the Rector and the Parish is necessary to restore the peace of the Church and promote its prosperity But I cannot conceive that any body of intelligent men can decide that the peace of a church can be restored and its prosperity promoted, by keeping together a Rector and Vestry between whom there is such a controversy, that there is no reasonable hope of a favorable termination. No Board has ever

said so, and I trust never will. Therefore, the first point, viz.: the reasonable hope of a favorable termination of the controversy, is the main question of the case. This is a question of fact, which you must determine as a sworn jury would do in a court of justice, upon hearing the allegations and the proofs.

If you find these two points affirmatively, then and then only, the Canon gives you power to give a recommendation, and impose conditions. You have the power in that case to impose such conditions as may appear to you proper and reasonable.

I will now answer some arguments that may be raised in this case. One is concerning the indissolubility of the connection between a Rector and his Parish. I have heard it compared to the connection between a husband and wife. Now let us carry this out to a logical conclusion. If a husband sees a handsomer or wealthier lady, he cannot ask the Bishop to interfere so that he may be allowed to leave his wife, and take the handsome or wealthier lady. He is bound to stay with his wife, to love and cherish her to her life's end. Is that the case between a Rector and his Parish? I think there are two or three gentlemen in your Board who have been in but one Parish, but the others have not. Very few clergymen in Philadelphia have not changed parishes. They have doubtless seen excellent reason—their sphere of influence has been enlarged, they have been enabled to do more and better work in a larger and wider field. But if it is to be compared to the connection between man and wife, they have done entirely wrong.

When a man takes a wife, he takes her for better or worse—sometimes she is "all worse and no better." If a clergyman has taken a Parish, and he finds it "all worse" is he bound to stick to it all his life?

But I will refer to an authority recognized by every Protestant Episcopal Churchman of the Diocese—our late lamented Diocesan, Bishop Potter, had not that idea. In Bishop Howe's life of Bishop Potter, on pages 191, 192, and 193, you will find two letters to two members of different Vestries. He rebukes the Vestries sharply for their treatment of their Rectors, but in both recommends that the Rector shall resign.

(Mr. Vail read the letter.)

But the greatest argument is this: No matter what may be the individual opinion of men, when the Church in its assembled wisdom has seen fit to decree a law, it is our duty to carry it out. The Church has decreed by its canon, that there may, and in some instances there shall be a dissolution of the connection between the Rector and the Parish. It is not such a sacred tie that it never can be broken. This is not the Church of England, but the Protestant Episcopal Church of the United States of America.

I now enter upon a branch of the case that I would prefer to avoid. In making my comments I shall endeavor to express myself without acrimony. If I make any misstatements it will be unintentional, and I ask my friends on the other side to interrupt and correct me.

First. Is there a controversy? I would simply refer you to page 9 of the Vestry's Statement, containing the circular issued April 7th, 1871, by two excellent gentlemen of the Parish who are not complainants in this cause, and to the letter addressed to the Rector, May 22d, 1871, see page 11 of Statement. Then read the answer of my friends on the other side. I ask you, do you not believe that there is a controversy existing in that Church?

How did it arise? I do not wish to go into the details of this. On the first page of the Vestry's Statement there is a narrative of the foundation of the Church, signed by seven of the surviving corporators. In the answer on behalf of the Rector there is on this subject, a long letter from one gentleman and a short letter from another, but neither controverts the fact stated in the narrative that it was originated and built by the Low Church party. Three of you, gentlemen, were Presbyters of this Diocese at the time Christ Church was founded, and you know the fact. The other two of you have been in this Diocese long enough to know its status.

But there is a statement made in that long letter which I would not have noticed, but that my friends incorporated it in their answer (pages 6 & 7). It is article II. of the Charter of Christ Church. Every gentleman on that Board knows that this article is in every church charter of the Diocese of Pennsylvania. It is prescribed by the Convention. But, say the gentlemen, how can you assert that this Church which expressly acknowledges itself to be a member of and

to belong to the Protestant Episcopal Church, &c., belongs to the "Low Church party."

Do they mean to assert that there are no parties in the Protestant Episcopal Church?

Do they mean to assert that there is not a Republican party and a Democratic party in our country? That in former times there was not a Whig party, a Free Soil party, and a Democratic party? Yet each of these parties acknowledged itself to be a member of the same country, acceded to, recognized and adopted the same Constitution and laws. When my friend, Mr. Conarroe, and I were admitted to the Bar, we took an oath to sustain and support the same Constitution, and yet he and I are as wide apart in our political views as we are in our Church views. Everybody belongs to one of the two great political parties. He belongs to one and I to another. He belongs to one party in the Church and I to another. We both are honest in our convictions.

It is childish to say that there are no parties in the Protestant Episcopal Church. I assert it boldly that if two parties were not permitted in the Episcopal Church it could not hold together. Another denomination of our country undertook to allow no parties, and the result was division into Old School and New School. They have come together again, but if they wish to remain united they must allow freedom of thought and expression.

The Orthodox Friends have two parties in their Society. The Lutherans have a High Church party and a Low Church party, so have the German Reformed.

But I will give an authority that will certainly be recognized by my friends on the other side. It is one who is not considered an extreme partisan by any one—Bishop Howe.

In his excellent life of Bishop Potter, on page 104, he speaks of the Diocese of Pennsylvania in 1829, that the *parties* were then so evenly balanced that Bishop Onderdonk was elected over Bishop Meade by only one majority. "He says that in 1845, "the *same parties* existed in the same relative strength." On page 106, he speaks of that blessed man, who is now before the throne of God, Alonzo Potter, and calls him "*a Low Churchman.*" That is horrible. "He was a Low Churchman indeed, but no partisan; an earnest Evangelical Christian," and the words that were sneered at "an earnest Evangelical Christian, but no self righteous and proscriptive zealot."

I say that the idea "that there are no parties in the church," is a humbug. There are parties, and they must be recognized, but they must be kept within proper limits. A party man must not allow his zeal to run ahead of his knowledge, and must be willing to allow other persons the privilege of thinking for themselves. I have decided party views—you may have other views and yet we are friends, but we agree to differ.

When Bishop Potter came to this Diocese he asked counsel of a gentleman, who, I suppose they will say, he had no right to go to, because he did not belong to the Episcopal Church—but he belonged to the Church of God—Rev. Dr. Nott. He asked some advice when coming into this Diocese. Some of you can recall the trouble that was in this Diocese at that time. Amongst other things, he says on page 129, "where there are party lines drawn in a church, and especially where those lines are understood to be the boundary lines of great principles, no man holding an important station can maintain a perfect state of neutrality, nor can he assume to do it, without eventually losing the respect of both parties and of the community itself; for it is natural to respect men differing from us in principles more than men who are understood to have no principles at all. But though a state of perfect neutrality is not to be attempted, and cannot be maintained, still, a man having his own principles and preferences may be a man of candor and liberality, and have brotherly kindness towards them that differ from him."

In their answer to the Vestry's Statement, my friends on the other side have undertaken to show that Christ Church was not originated and built by persons who belonged to the Low Church party of the Protestant Episcopal Church. It is an attempt to show that there can be no such thing as a Low Church party in the Church. Bishops Howe and Potter differ with them—so do you, and so does every man that really thinks about it. Bishop Stevens recognizes it in his letter to Dr. Rumney (see page 14 of the answer). He says in a quiet way, "You have assured me again and again that your sympathies were with the *general* doctrines and policy of that class of men with which Christ Church has usually been identified." Mark it. Bishop Stevens understood that the class of men with which Christ Church has usually been identified, held certain doctrines and policy. Is

there a Presbyter or Layman who has ever heard of Christ Church, that does not know which party it has been identified with, and when the vote was taken which side it could be counted on? It must be recognized that Christ Church, Germantown, was founded and built by members of the Low Church party for a home for themselves. When you place men holding different views, in the same building, and force them to remain together there will be a controversy. Each party should have church homes of their own. Gentlemen of different parties can meet each other and be friendly, but they will not continue so if they are shut up in the same church building.

Christ Church is the only one in that part of Germantown which belongs to that branch of the church.

As to the proceedings of the Vestry meeting at which Dr. Rumney was elected, I shall say but little. It is an unpleasant thing. You have the statements of the gentlemen of both sides before you—all of them gentlemen of the highest character, gentlemen of standing and respectability in this community, and yet they differ widely as to their proceedings. Yet they probably all believe that what they say is strictly true. You have heard this afternoon how persons honestly differ about things happening only a few days ago. You must know how difficult it is for witnesses to recollect precisely, things that happened two years ago. A gentleman on one s de distinctly and positively states he did ask certain questions in a certain way, gentlemen on the other side say he did not so ask them. You must decide.

But there is one thing certain, the gentlemen of the Vestry, who are here before you to-day, did believe that they were electing a Rector in sympathy with their views; that he was a Low Churchman. That you cannot doubt. They would not have voted for him unless they had thought so. How or why they thought so is not for you to decide. That they did think so you must admit.

Now gentlemen, in this answer, all through, in the correspondence which you have before you, throwing aside the statements of the Vestry, is there a line in the answer, or in any part of the correspondence in which the Rector himself, or any one for him, asserts that he holds Low Church views, or sympathizes with the Low Church party? He, sir, is a man of honor, and he nowhere asserts it. I beg your attention to that. He is a man that would scorn to say a thing

he did not believe, and he takes the occasion nowhere—nowhere in the answer, nowhere in any of the correspondence—to say, "I do sympathize with the Low Church party." On the contrary, when Bishop Stevens writes the letter to him of September 30th, 1871, and in the kindness of his heart, says, "You have assured me that your sympathies were with the *general* doctrines and policy of that class of men with which Christ Church has usually been identified"—he answers it immediately—he does not wish to rest under that impression—and very properly. I say it to his honor and credit, and he says, "By this I understand you *not* to mean that I sympathize with any who would destroy the unity of the church, or on either side disclaim or reject her authority and long established customs and usages."

He either means that the Vestry of Christ Church are of that class, or that he does not wish to be considered as sympathizing with them at all. As you have seen, there is but one gentleman who has been singled out and selected to have the vial of wrath heaped upon his head for this. He is able to bear it.

Now no man has ever said, or can truly say, that the Vestry of Christ Church in former times, or the members of the present Vestry, have ever been amongst those "who would destroy the unity of the church, or on either side disclaim or reject her authority or long established customs and usages."

It is simply this, that the Rector very properly does not wish to be placed in a false position, that hereafter it may be quoted against him—"You say you do sympathize with that class of men," &c. He disclaims it.

As to supporting the evangelical societies: You have here before you the By-laws of Christ Church. They are different from those in many of the churches. They prescribe that the Vestry, not the Rector, shall determine when and for what purposes all the collections shall be taken up in this Church, except the communion alms. The table given on pages 15 and 16 of the answer, was prepared under and by direction of the Vestry. We will not go behind to show any bickerings. Our allegation is that the Rector has not given his support to these collections. On page 17 of their answer, they put it to us about "the paralyzed condition" of the Church. They insert the word "paralyzed," again and again in their answer. But I assert that the Church is "paralyzed." Gentlemen of the Board, do you think that

a Church is in a healthy condition which is in the one this answer asserts, not what the Vestry asserts? Do you think it has no paralysis in it?

As to the Reading room, we have replied to that in our printed Statement and I shall not go over it again.

So on to the Lehman street Mission.

You will see a slight difference in figures as to the number of pews rented. They assert that at the present time there are 106 pews rented. The Accounting Warden's books are the proper ones to show the number of pews rented, and they show that ninety-three whole pews and parts of four pews are rented.

A point is made about the word "resume." During an interregnum in a Parish the work does not go on as before, and when a new Rector comes the work should be "resumed."

As to the word "dropped" on page 6 of our Statement. If they wish it, we will simply state that he was not voted for.

In regard to the collections, we were sneered at, had figures marshalled before us and were told that our figures were wrong. But they are not wrong—look at them for yourselves, —you will find that they are correctly stated. We do not include Sunday school collections, they are not church collections; and we do not include the individual subscriptions of gentlemen who sent their money directly to the societies, with the express direction that it should not be credited to the church. Nor did we include a special collection made in June, when the regular collection was made in September.

In regard to the collection for the American Church Missionary Society, which our friends say is generally recognized as Evangelical —"Evangelical" in quotation marks, sneering at us—and which "have been strangely overlooked by us," we thank them for calling our attention to it. They make out an increase of $250.54 in the collection for 1871, over that of 1870. Figures are deceptive. The books show that the collection taken up September 18th, 1870, was $473 85

" " 1871 " 54 42

making a decrease of $419.43

We are told about a controversy in the time of Mr. Atkins. The printed reply disposes of this in a few words. "If it is intended to state that the persons who now oppose Rev. Dr.

Rumney stirred up controversies in Christ Church in the time of Mr. Atkins, it is unfounded."

We now come to what I was sorry to see in their pamphlet, and what my friends will regret hereafter—the gross personal attacks upon certain members of the Vestry. Compare the spirit of these two pamphlets, read them for yourselves. I do not wish to talk much about them, fearing I may say something harsh.

One gentleman is attacked in this pamphlet in the most bitter and malevolent spirit. He has been a communicant in Christ Church for nearly sixteen years—has lived in and near Germantown for a quarter of a century, is well known in that community, and the things they charge him with are things that have never been imputed to him before. He has never been charged with lying or attempted forgery before this. In this Answer he is charged with lying, or attempted forgery. In this Answer he is charged with either deliberate, wilful falsehood, or attempt at forgery. It is charged in the appendix. If he had said to that person what is charged he did, he must either have told him a deliberate, wilful lie, which would be useless as soon as he brought the paper out for him to sign, for then it would be seen that their two names were not on, or he must have forged their names. This gentleman has never been charged with such things before. His character has always been that whatever he had to say to a man he did not keep it in, but stated it to him plainly and positively. His character for truth has never been doubted. His word is as good as his bond.

But again and again they call him a Methodist. That is terrible; that is horrible; that is enough to damn him forever—they have rung the changes upon it all the way through. It occurs many times on different pages But gentlemen, in the first place, would it be any sin for him to be a Methodist? In the next place is it not well known that for nearly sixteen years he has been a communicant at Christ Church? He has told you why he has not been confirmed, and what his intentions are. Do you doubt it?

They sneer at the Presbyterians and Baptists, and all those miserable people who do not belong to our church.

But they say that the most material point in this branch of the case is, whether the complainants do represent the congregation in the fullest possible manner. To disprove this, they tell us that they carefully prepared a table, which

they give you on page 26. My friend, Mr. C., with his usual politeness, has furnished me the figures in detail. As it was received Friday afternoon, and I have not had time to analyze it. But I find some remarkable things in it. One lady and her daughter count thirty. She has a boarding school. Another lady is a warm friend of the Rector, while her husband sustains the Vestry. Yet she is put down as if she were the man of the house, holding the pew, and her husband is counted in with her. There is the name of a gentleman who is unmarried, who according to their own statement does not hold a pew or sitting. You have read of two single gentlemen being rolled into one, but this single gentleman is rolled out into four.

My friend tells me they count all the children of a family, even the infants. In that case I count more than any of the other side, except the lady who has the boarding school and Mr. S. He counts as nine and so do I.

But away with this badinage, and let us look at the two lists. One hundred and one names are on their list, and one hundred and twenty-nine names on that of the Vestry. Now in the language of their Answer, see page 5. "Every one knows how readily signatures are obtained and how seldom documents are read by signers. None are more surprised than those signers frequently are at the use to which their signatures are put."

No one denies that this paper was circulated in that Parish two weeks before the other was prepared. Every one knows how hard it is for any person to sign a paper against the clergyman of a Parish, and how much easier it is to sign one in his favor. The other side know that their paper was presented to every man, woman and child in that Parish who would sign it, or that there was any hope would do so. I have told you my own feelings when it was presented to me. You know how difficult it is for a member of a congregation to sign a paper asking the Rector to resign. Our gentlemen found that as they went around. And yet in spite of all that, one hundred and one names are on the paper asking him to stay, and one hundred and twenty-nine names are on the paper asking him to resign. Take off the names of those twenty-three persons who all answered the two gentlemen in nearly the same way, and there are one hundred and six names left.

But, gentlemen, after all, as my friend on the other side and I talked the matter over this morning, what is it

whether there is a majority one way or the other? Taking both statements it must be nearly balanced.

The sneering at "Evangelical" or anything of that kind, let it pass.

The real questions in the case I will endeavor to sum up in a few words. I have drawn up some points which I consider really contain the gist of the case, which I will give you in summing up.

1. This is not the trial of the Rector upon any charges whatever, either in his personal or official character, and cannot result canonically in any condemnation of him or anybody. The Vestry carefully avoided in their statement of the case, making or intimating any such charges. They have sought to avoid personalities and insinuations throughout. Whether they have succeeded in doing so you can judge by reading their two pamphlets.

2. It is not a trial to decide which party is *right* in the "controversy," and to adjudge accordingly. You must decide whether there is a controversy, and whether there is a reasonable hope of a favorable termination.

3. This Board must act specifically under the Canon under and by virtue of which it has been constituted, and cannot depart from its directions to decide the "controversy" submitted upon any other considerations or principles, or with a view to any other result than those prescribed by the Canon. The Canon is exclusive and imperative.

4. There is indeed a two-fold relation of right to the question. (1) No injustice must be done, but the Canon settles for this Board that what it commands is just. (2) If hardship be imposed upon one side by the decision, it is to be compensated by a fair imposition on the other, as has been done by all the former Boards.

5. The history and mind of the Church on the dissolution of the pastoral connection are seen in its legislation, and not in the opinion of individuals. The rights of Rectors as contracting parties are better secured than those of parishes. This Board is to protect the Parish; and yet it is composed exclusively of clergymen.

If a Rector wishes to leave his Parish, all he need do is to say to them "I wish to leave," and get the consent of the Bishop. The congregation have nothing to say. But if the congregation wishes to change a Rector, they must summon a Board as this.

6. High and Low Church is a real difference and a sub-

stantial ground of controversy, fully sufficient to explain its existence and violence.

I have gone over this before to show you that there are two parties in the Church. This explains why there can be a bitter controversy existing in a particular Church. Men, as Napoleon said, fight for an opinion. Wars have raged for mere matter of opinion. No more bitter controversies have ever existed than those upon matters of opinion. If you shut up in the same church building a Rector and Congregotian, or Rector and Vestry, with different views on these church questions, there must be a bitter controversy.

7. The Vestry and the Parish have been disappointed, by whom or through whom is not essential. The Parish has suffered in its peace and in its efficiency.

8. This state of things seems likely to continue, unless either the Rector leaves, or the church is revolutionized. You must come to this conclusion after reading this answer, and seeing what is said in it and the gross personal attacks. Can you doubt it? Have you a right to bid them wait for such a revolution and call it "peace." You have read Tacitus, and know what he says as to how peace could be made in Germany.

9. The matters alleged against the Vestry or its members only go to show the incurable character of the controversy.

10. If the fault is in the Parish, then they must make amends, in case a dissolution is directed. Unless a dissolution is judged necessary, the Board cannot canonically advise or decree anything.

11. A dissolution would be for the good of both parties, and for the general good of the Church.

Do you not believe this, gentlemen, if there is such a feeling in this Church as is alleged by the gentlemen on the other side? They say only a few persons desire this change. We have shown you that a majority of the legal voters of the Church support the Vestry complainants, and will vote for them at the Easter election. Bishop Stevens, in his last annual charge, tells you that he considers the Vestry represents the Church to all intents and purposes.

I say again that a dissolution of the connection will be for the benefit of both parties, and for the general good of the Church; not only of this Church, but of the Church at large.

12. If the Parish is wrong it will suffer more than the Rector in consequence of a separation.

Now, gentlemen, I have told you in the beginning what were Bishop Potter's views, please bear them in mind. Bear with me while I state to you from page 191 of his life, what Bishop Howe says of him. He states that which we all know, that which you know better than I do, how faithfully he stood by his clergy, and how his confidence in the Christian principle of an earnest minister, induced him to assume *prima facie* that if he were wrong he was so by mistake. Yet Bishop Howe in this very book gives two letters, showing how severe Bishop Potter was upon the laity in a controversy with the Rector, and yet in both these letters he says that the clergymen must resign. [Here Mr. V. read the letters on pages 191, 192 and 193 of life of Bishop Potter.]

I say that in both those cases Bishop Potter says the Vestry are clearly and entirely wrong, and yet the Rector must resign.

I know that Dr. Rumney wishes to resign. I take his own words, "Had I consulted my own feelings and sensitive nature, I should long before this have sought peace and quiet by removal to some other sphere."

His friends, I am sorry, advised him otherwise.

Now, gentlemen, I leave it to you, as men of God, as judges in this cause, to say whether there is any hope of a favorable termination of this controversy, be that controversy what it may. And if not, whether you think the peace of the church and its prosperity will be promoted by keeping together the Rector and this Vestry.

In what I have said I have endeavored not to say anything against the Christian character of Dr. Rumney. The Vestry have endeavored to say nothing against it.

The highest aspersion his friends charge us with, is in saying that he is a High Churchman.

As for the terms, that is for you to decide. You have those other cases before you in which terms have been given. The Vestry have offered terms, which are before you. It is not right that the Rector should be asked to leave without terms.

A gentleman of the talents of Dr. Rumney, a gentleman of his character and standing has the whole United States before him. Christ Church, Germantown, is not the only church. He can receive a more congenial church with a more congenial set of Vestrymen. He can do the Master's work and there do it well.

ARGUMENT OF THE Rev. Mr. HARRIS.

May it please the Court:

Being more of a novice in this kind of speaking than my eloquent friend, Mr. Vail, I cannot hope to compete with him in producing an impression upon the court. As I am no lawyer, I can only speak upon the common-sense aspect of the case, and leave the points of law to my learned colleague.

I shall try to be brief, and, so far as I can, follow step by step the points made by my learned friend who has just spoken.

In the first place he states in advance what our argument will be—namely, that the union between a rector and his parish is of the indissoluble character of that between a man and his wife. I never thought of arguing thus. I do not believe thus. So that falls to the ground.

My friend next asks the question—and asks it very solemnly—"Is there a controversy here?"

I, for one, am not disposed to deny it. There certainly is a controversy. But the next question which he asks strikes me as giving the key of the whole position. "How did this controversy arise?"

This is the main point, I take it, which the court has to take into consideration in deciding this case; for I do not at all agree with my friend in his view of the case, which, as I understand him is this—that the canon simply requires the court to register its opinion that there is a controversy. No court was necessary to determine that, for it is evident on the surface.

That there is a controversy we admit; but my good friend quoted just as much of the Canon as was convenient to him, and forgot to read the rest of it. With your leave, I will supply his omission. You will notice that he stopped at that part of the second section of the Canon, which says, that "if after hearing such allegations and proofs as the parties may submit, a majority of the Presbyters shall be of opinion that there is no hope of a favorable termination of such controversy."

There my friend stops; and argues that if the court come to such an opinion, they simply give such a decision and the rector must go, and there is no help for it.

But let us see what the Canon does say. It continues where my friend left it—"and that a dissolution of the connection between such rector or assistant minister, and his parish or congregation, is necessary to restore the peace of the church and promote its prosperity," &c.

That is a very different thing from this, viz.: whether the parties in the church who have originated this controversy with the rector, are the only ones to be taken into consideration. It concerns the whole congregation, and not simply these discontented members of the vestry. So much for that point.

My friend in the next place said that a note from Mr. Champion, and various other matters which we submitted to the court, recognize the "Low Church" character of "Christ Church, Germantown."

I don't see how that helps his case. No one on our side of the case is disposed to deny that Christ Church, Germantown, is what is ordinarily known as a "Low Church." We have not thought it worth while to dwell on that point in our "answer." We admit that Christ Church, Germantown (while it can find no authorization for so being in its charter), is generally recognized as "Low Church." But then we claim that the rector is a "Low Churchman;" and we claim, and I think have shown very clearly, that no proof at all has been made that the present rector is not a "Low Churchman." It is very easy to call a man a "High Churchman" or a "Ritualist," but the proof of it is another thing. We must go beyond this mere bandying of names; and if the term "Low Church" or "Evangelical" be taken in its fair, honest, and customary acceptation, then we say that the rector is a "Low Churchman." And, as far as Mr. Champion's note is concerned, the statement that his family are thinking of taking a pew in Christ Church, shows in the most practical way that he at least considers the rector to be a "Low Churchman." My friend next tries to invalidate our statement of what occurred in vestry meeting.

Please to bear in mind that the gentlemen who are quoted in our "answer" (as making statements with reference to what took place and what did not take place at the vestry meeting), state very positively that such and such things did, and such and such things did not take place.

To rebut this testimony you have nothing but vague assertions of not recollecting anything about it; as for instance

in the printed paper read by Mr. Vail, where Mr. W. C. Houston says, "I do not recollect of saying," &c. Mr. Spencer says, "I have no recollection of ever asking Mr. Schaeffer to sign," &c.

Mr. Vail. That was not about what took place in the vestry meeting.

Mr. Harris. That makes no difference, in both cases there is only the mistiness of "no recollection," to oppose to positive assertion.

The other side—to recur to another point attempted to be made by them—harp upon their own allegation that there is "no assertion" (in our "answer,") "that the rector is a Low Churchman."

I beg to say in answer to this that we do, distinctly and emphatically, make that assertion, and we refer the court to the printed words. We did not, it is true, think it necessary to be proclaiming on every page of the "answer," that "this man is a Low Churchman;" but we do say at the close of it (p. 30).

"The question is in no sense a party one. It is simply whether justice shall be accorded by the majority of an 'Evangelical' vestry to one who is in every true and honest sense of the word an 'Evangelical' rector; and who stands to-day, to quote the words of his Bishop, 'free from all personal or canonical reproach, and with an unimpeached ministeral record.'"

In spite of this, my friend, Mr. Vail, persists in saying that Dr. Rumney is not a Low Churchman, and does not claim to be a Low Churchman, but rather carefully avoids the imputation of being such. To prove this last rather singular assertion, reference is exultingly made to the correspondence between the Bishop and Dr. Rumney on this point, published on pp. 13, 14, and 15 of our "answer," the last part of the Bishop's letter of September 30th, 1871, being quoted—as follows:

"You have assured me again and again that your views are unchanged from what they were when you were unanimously elected rector of Christ Church; that you never designed making any changes in the services or in the ecclesiastical status of that Parish; and that your sympathies were with the general doctrines and policy of that class of men with which Christ Church has usually been identified. Hence, having no reason to doubt the truth of these asser-

tions, I cannot but regret the keeping up of agitation on these points as unnecessary and unwise, and as detrimental alike to the peace and prosperity of your Parish."

And now, mark the position taken by my friend on the other side. According to him, Dr. Rumney being a man of truth and honor, could not for a moment rest under any imputation of being a Low Churchman. He must (still according to Mr. Vail) instantly write a disclaimer to the Bishop; and it is Dr. Rumney's letter which (my friend seems to think) furnishes him with a peg on which to hang his hat.

One portion of that letter I beg leave to read. Dr. Rumney says (like an honorable man as he is):

"To one part of that reply" (of the Bishop's) "I beg leave to allude, that in any future reference to it there may be no misunderstanding on the part of any. You say you have been assured by me that my sympathies are with the general doctrines and policy of that class of men with which Christ Church has usually been identified. By this I understand you not to mean that I sympathize with any who would destroy the unity of the church, or on either side disclaim or reject her authority and long-established customs and usages. Such persons, in my opinion, go contrary to what my judgment teaches me is right, and also are in conflict with what I take the liberty of presuming from his published statements, are the opinions of my Bishop. With this understanding, I can assure you that it shall be my purpose (God being my helper) to persevere in that maintenance of gospel truth, and that character of churchmanship which have hitherto marked my life, standing before you, as you say in your letter to me, 'with unimpeached ministerial record.'"

There! says Mr. Vail triumphantly; what do you think of that? Dr. Rumney is not willing to be considered a Low Churchman!

I admit, that it is evident from this letter, that Dr. Rumney is not an "Evangelical as we Low Churchmen understand it," if by that is meant the being willing to remain in the church, and insist on setting at defiance the authority of the church; but these complainants are bound (if they wish to make out their case fairly, even upon their own chosen grounds) to disprove that the rector of Christ Church, Germantown, is a Low Churchman in the honest and fair acceptation of that term. He is not, we freely admit, such

a Low Churchman as to be willing to ostracize his brethren in the ministry of the church—to say to them "You do not preach 'the Gospel,' and so you cannot come into my pulpit or chancel; 'stand by thyself, I am holier than thou;' you may come as far as the threshold of my church, but further you cannot come unless it be as an humble listener to my exposition of a 'pure gospel;' we all owe allegiance, it is true, to the same standards, and in our ordination vow made the same promises, but you must not venture to teach my flock, for you are not 'Evangelical' in the true sense in which I am!"

The rector is not such an "Evangelical." We admit it, gladly. When he came into residence in Germantown, he made up his mind that he would not taboo his brother Presbyters there, as the former rector did, but that he would meet them as brother Presbyters should be met, without any assumptions of superior piety or devotion to God's truth; and in this he had the distinct sanction and advice of his Bishop, who expressed his hope "that the former policy of non-intercourse should cease." Now, Bishop Stevens is what is known ordinarily as a Low Churchman, or "Evangelical" if the term be preferred, and Dr. Rumney's views seem to accord with the Bishop's; and if preaching "Evangelical" doctrine, conducting the church services in the way which is customary in what are known as "Evangelical" churches, supporting church societies which claim the distinction of being "Evangelical," and sustaining in the whole tone of his life and conversation a status analogous to that of a majority of those known as Low Churchmen—if these things entitle a man to be fairly and honestly considered a Low Churchman—then we claim that Dr. Rumney is one.

And now, as to the matter of the "Evangelical" societies, and Dr. Rumney's alleged failure to sustain them.

He has sustained them as our facts and figures prove. He has not, it is true, put his hand into his own pocket to make up deficiencies; but he has done everything else which he could. He has had collections taken regularly, in accordance with the arrangements made by the vestry—arrangements which he found in force when he came to the parish and which he has preserved unchanged. He has statedly preached to his congregation on behalf of these objects, urging them to sustain them; and if, for ulterior pur-

poses of their own, certain persons have manipulated their contributions so as to make it appear that the general contributions of the church were falling off, is that chargeable upon the rector? Does it show that he is unwilling to sustain the societies in question? I think a very different construction should be put upon it. Then, as to this "paralyzed condition" of the parish, which my good friend said we made so merry over—Mr. President, there is a great deal in this word "paralyzed." We meet it at the very outset of the complainants' "statement." They charge directly that the rector has "reduced this once flourishing parish to a paralyzed condition"—and the charge, directly and indirectly, runs all through their statement. They make the charge, but they fail to bring the proof; and I think if we look at the whole work of the parish it will be found to be in as active a condition as any. We have a right to make merry over the allegation of "paralysis."

With regard to the number of pews and parts of pews taken, my friend attempts to invalidate our statement; and, besides the inaccuracy of his own figures, triumphantly points to the fact that twenty-four pews, "which are set apart *as* FREE PEWS," are "not taken!"

Why, sir, we took for granted that when the vestry set apart a certain number of pews to be "free pews," they were acting in good faith, and we did not suppose that we had any right to count them as among pews which could be "taken," in the ordinary sense of that word. We had too much confidence in their honor to suppose any such thing; and we have had exhibited to us a ground plan of the church, with a statement of members of the vestry accompanying it, showing that with the exception of these free pews, every pew, in whole or in part, is "taken." Our statement on this point, therefore, has not been controverted.

With reference to the "collections," I shall have more to say further on. Our figures have been considerably traversed, but I do not see that any real answer has been made to their exhibit. So far as the American Church Missionary Society is concerned, their statement made this afternoon that the collections were larger in 1870 than in 1871, is not to the point at all. They were both taken during Dr. Rumney's rectorship, and they were both acknowledged under one authority—a report of the American Church Missionary Society. But I pass this for the present.

And now, Mr. President, with regard to the "gross personal attacks" which are charged upon us, I have only to say, that it is sometimes, owing to peculiar circumstances, difficult to avoid hurting some people's feelings by simply telling the truth.

There has been no malignity, or the intention of it on our part, so far as I know. I forget the fierce word my friend used in describing the animus.

In the "statement" of the complainants there had certainly been a very elaborate, labored, attempt to prove that the rector had been guilty of a lie: and any one who should read that statement without reading also the exposure, would be very likely to think, "Why, dear me, they might have brought a far more serious charge against the rector than being a High Churchman, if that thing were true!"

While I am on this point, I might as well finish it, and answer the denunciations that were hurled upon us this afternoon.

I ask the court to notice that on page 20 of the first "statement of the vestry of Christ Church, Germantown," Dr. Rumney is reported in a certain conversation to have said, "I did," instead of "I did not."

I did not, myself, hear the correction made at the first meeting of the court when that "statement" was read; but at that particular point I saw the rector turn to Mr. H. H. Houston (who was sitting beside him), and say something—it appeared to me indignantly—and I saw one of the gentlemen on the other side go to the person who was reading the "statement" and say something to him. I did not, myself, hear what was said; but others who were present—and, if I mistake not, some members, certainly one member of the court—did hear exception to that statement, and the promise that the error should be corrected.

But, at any rate, whatever may have been the understanding then, the facts are simply these: that in the conversation alluded to on page 20, Dr. Rumney actually answered, "I did not;" he did not answer "I did."

If that be the case, and it is the case, then all those two or three pages, in which Dr. Rumney is held up to public scorn as being, to use the mildest term, a "tergiversationist," fall to the ground.

Now my friend talks about "personal attacks." I should

like to know how you can more grossly attack in a personal manner a clergyman than by trying to make him out a liar! That is the plain English of it; nothing more, nothing less. Among men of the world there is always a practical and summary way of meeting such an insult. But a clergyman is debarred from that. He has to sit still and bear it as patiently as he can, until his friends, as in this case, come before the Board, before whom the charge is spread, and contradict the lie, and, humiliating as it may be, prove that he has been honest, and straightforward throughout.

As to the personal attacks which we are charged as making, as I said above, it makes some people uncomfortable to have the truth told about them. We have not gone out of our way; we have simply stated certain facts, and these facts cannot be disproved. If they can, let them be disproved here and now.

My friend tried hard to made another point against us. He charges us (and dwells feelingly upon the charge) with "sneering" at Methodists and Baptists, and Lutherans and Presbyterians.

This is a gross misunderstanding of our position. We intended to do no such thing. What we did mean to say, was simply this, that certain persons are claimed by the complainants as their supporters, who do not owe allegiance to the "Protestant Episcopal Church in the United States of America," in the way which her laws require; and we claim that such persons should have no voice in the government of that church. That is all.

Now suppose you or I should go into a meeting of Friends—the most peaceable people in the world—and should attempt to dictate to them how they should do this, that, or the other thing, we should certainly be met with the statement: "Friend, thee has no business here, go thy way."

Every organized body has its own laws, and only those who own and pay obedience to those laws have the full privileges of the body, have a right to a voice in the government of the body.

I claim that there is no "sneering" in that. It is most unfair and ungenerous in my friend to attempt to put it in that light.

We have a right to say if any gentleman is avowedly a Presbyterian, you may go into a Presbyterian church

and help to manage that church: and we may say the same of the Methodist, and the Baptist, and the Lutheran, and their respective churches; but, we have a right to add, "do not take upon you to help manage the affairs of the Protestant Episcopal Church." That is all; and the charter of this particular church recognizes that in the most positive way. It does not say anything about Presbyterians, or Methodists, or Baptists, &c.; but it does say that only those who are fully members, "lawful communicants," of the Protestant Episcopal Church shall be invested with all the rights and privileges of that church; and we simply point out certain gentlemen who claim those rights and privileges who do not, by the terms of the charter, really possess them. There is no intention of "sneering." I would be the last man in the world to commit the gross outrage of "sneering" at any man for his religious belief.

Mr. Vail. I believe it.

Mr. Harris. I trust that point will be considered as falling to the ground. I must say that it is unworthy of my friend to cast such an imputation upon us. He knew very well that there was no such intention on our part.

And now with regard to the point which he made at the last, in his summing up, viz.: that this is not a "trial" to determine which party is right, but simply to determine the existence of a controversy."

I beg to differ from him on that point. It is a "trial," and this body is a court, because it is within the power of this Board of Presbyters to impose a penalty under certain circumstances. But then I do not believe (and I think the terms of the Canon bear out my assertion)—I do not believe that the Canon was simply intended in a certain formal way to enable five Presbyters of the church to hear that a controversy exists, and that, having heard it, all they could do was to say to the rector, "Here, pack up and be off with you?" I do not believe the church ever intended such a thing to be the result of her legislation. I look upon this Canon as a protective, not a destructive Canon. The opposite view is contrary to every principle of common sense, and it is patent to the court. The court are not simply to determine that a controversy exists, but to go further and determine answers to these questions: "Who is the guilty party,?" "Who is the party that has been stirring up the mud?" These questions must enter into the judgment.

My friend says "no injustice must be done." I think that unless those questions are taken into consideration, great injustice cannot fail to be done. My friend is right—"no injustice must be done" under this Canon,—no injustice to the rector, or to the congregation; for they must be taken into consideration as well as the complainants.

The learned counsel on the other side gravely said something this afternoon about "compensation." Mr. President, some one offered "compensation"—a money value—to an apostle, once, and got for an answer: "Thy money perish with thee."

I think that to bring in this question of money—dollars and cents—to a gentleman, one who has been trying to do his duty, and because he has done his duty faithfully in obedience to the laws of his church has given offence—Heaven knows why—to certain persons who hold the laws of the church in very light esteem—and to say: "Here, you! we do not like you; you don't suit us; what will you take to go?"—Faugh!!—I think the answer of that apostle might very well be made in such a case—only perhaps in stronger terms.

An absolute money value! Why one who goes from a parish under such circumstances and conditions, has, however innocent of wrong he may be, a stigma affixed to him that money will not be a compensation for.

But I pass that.

There are one or two other points which may be adverted to very briefly. My friend says that the history of the mind of the church is to be seen in her legislation. I agree with him. He also says that it is the duty of this court to protect the parish—I agree with him again—I believe that to be the duty of the court; and therefore I ask it to take everything into consideration. It is not constituted simply to affirm the existence of a controversy, but it is constituted to protect. It is bound to take other matters than the mere fact of controversy into consideration.

The incurable character of the controversy was another point which my friend dwelt upon.

Perhaps the controversy is incurable, in one aspect of the case. There are some people who never will admit themselves to be wrong; and if these people choose and are allowed to remain and to continue to make trouble, the controversy may be "incurable." But then I think the court is bound to take that matter into consideration also, and to

clearly fix the blame where it belongs, and to restrain a further continuance of strife. As for the statement that in event of a separation the parish will suffer more than the rector by such separation, it ought to be so certainly; but unfortunately it is not so in fact. All that the penalty upon the parish can amount to is the being deprived of a representation in the Convention of the Diocese; no very great punishment, certainly: at any rate not in Pennsylvania.

I pass now to another matter.

The "additional statement," as read by Mr. Vail this afternoon, says (in the middle of its first page) "The statement of the seven gentlemen is clear and distinct. The long letter of Mr. Beekman Potter contains but two things—abuse of the vestry and other incorporators, and a setting forth of his personal claims."

This, I presume, is intended to invalidate the force of Mr. Potter's letter.

As I read that letter, it states certain facts of which he (Mr. Potter) was entirely cognizant. His statement of facts is simply directly contradictory of the statement of alleged facts made by the gentleman who drew up that paper signed by the seven. If that be personal abuse we cannot help it. As a matter of fact, the gentleman who drew up the paper signed by the seven, knew nothing of what he was writing about. He was engaged at the time referred to in "starting" the Church of the Crucifixion, in Philadelphia, in the same way in which Mr. Beekman Potter was "starting" Christ Church, Germantown. We simply claim that Mr. Beekman Potter, being on the spot, was fully capable of knowing exactly what he had done, and was entitled to give that early history of this church in Germantown. They have not disproved his assertions.

At the risk of repetition, I must notice the printed statement (on p. 32 of their additional paper). They reiterate the charge so constantly that iteration of reply is at any rate excusable. They say "We did say 'that a very short time served to show that Dr. Rumney was not an Evangelical man, as we Low Churchmen understand it, and that he was not willing to support those Evangelical Societies which it had been the invariable practice of Christ Church to support.' We do not understand from anything that has yet been said or alleged in the answer or otherwise, that Dr. Rumney claims to be an Evangelical man as we Low Churchmen understand it, or that he sympathises in any manner

with the Low Church party, or that the collections for the Evangelical Societies were made by his special choice or desire, instead of under the direction of the vestry, given in accordance with the by-laws on the subject of collections in the church."

I should like to know what an Evangelical man is, "as we Low Churchmen understand it."

I can only understand it in one of two ways. One is, being a man who holds what are ordinarily called Evangelical views as opposed to distinctively High Church views; one who conducts the service in the way which is ordinarily used in "Evangelical" Churches, or Low Churches, if you prefer; one who preaches "Evangelical" doctrines, and who supports "Evangelical" Societies. I can understand that; and the only other way in which I can understand the designation is that of a man who not only holds those views, preaches those doctrines, and does those things, but who also holds them, preaches them, and does them in an offensive way, a narrow-minded way, or in a way which contravenes the legislation of the church, her canons and rubrics. So far as I can see, these two classes comprise all; and certainly Dr. Rumney is not one of the latter class. If being one of that class is what they mean by "an Evangelical as we Low Churchmen understand it," there is certainly no controversy about it.

But we go further, and claim that the rector of Christ Church, Germantown, is not bound to be "an Evangelical, as we Low Churchmen understand it," if that is what they mean by it.

We say, in view of his position and his own statements, that he does agree with the general views of the Low Church party; and teaches as they teach, and conducts the services as they do, and supports their work generally. This we claim that he has done, and we have proved it. They assert that he has not, but their assertion is not sustained by proof. And now, what is the use of their saying that nothing has been said or alleged in the answer or otherwise, to show that Dr. Rumney "sympathises in any manner with the Low Church party, or that the collections for the Evangelical Societies were made by his especial choice or desire, instead of under the direction of the vestry," &c. What is the use of this allegation?

Dr. Rumney went, a new rector, to Christ Church. He found that arrangements had been made by the former rector

for certain stated collections, and that the card setting forth the order of those collections was in use, and regulated the times at which they were taken. No one said to him "this is all wrong," "you are breaking a by-law," or the like. He received no intimation that the vestry desired a change, and he went quietly on in the way which he found appointed when he came to the parish. We have no allegation that he made a change, but only this—that his sympathies were not as ardent perhaps as they might be; that "it was not his especial choice or desire;" that he did not wax very enthusiastic about it, and go rushing up and down his parish talking about it. Such a charge is the veriest trifling.

The statement that Dr. Rumney's ecclesiastical status is not in harmony with that of the general policy of Christ Church, Germantown, is too well known to be false to need denial in detail. It is not in sympathy with the radical men of the vestry; but, as regards the general policy of the church, I simply meet their assertion by a denial.

The complainants attempt to show, in detail, the falling off in the work of the parish, under Dr. Rumney, from its flourishing condition under Mr. Atkins. A reading room, they say, was in successful operation under Mr. Atkins, and no longer exists under the present rector. Why, sir, in point of fact, that reading room died under Mr. Atkins's care, and was decently buried under him! I do not suppose that the present rector thought it worth while to go into the question of the necessity of digging up a corpse and trying to galvanize it. He considered, no doubt, that the experiment had been fairly tried, and that, having been a failure, it was not necessary to have that failure a second time.

The complainants say: "As to the statement that the Mission in Lehman street is fully as successful as Centre Mission, we can only reply, that it must have been made under an entire misapprehension of the former condition and work of Centre Mission."

To this I reply that said statement was made under no such "misapprehension," but with a full knowledge of all the facts of the case.

The matter of the pews, which next follows in the "additional" printed "statement" of the complainants, I have already alluded to, and have nothing more to say here; as is also the case with the repeated inaccuracy in their statement of Dr. Rumney's use of the expression "I did," instead of "I did not."

They say that the "note from W. C. Houston of Sept. 20th, to Dr. Rumney, was not published in the statement, because it was never presented to the vestry." This seems to me to be wide of the point. There were other letters published which were not presented to the vestry, if my memory serves me.

I now come to this allegation of the complainants, on p. 33 of the "additional statement," as follows; "The tabular statement of collections made on p. 29 of statement of vestry is correct. It professed to give only the average of the regular annual stated collections for certain specified objects, and not to include any special collections."

Now, may it please the Court, if you will simply look at this, you will see that it is a very unfair statement. I hope my friend will not consider me as giving him personal abuse.

Mr. Vail. Oh, no; we are used to it.

Mr. Harris. I should like to ask what any person would imagine to be the facts of the case upon reading the tabulated statements on page 39 of the complainants book—statements, which could have and did have only this object in view, namely, to show how the church had gone down in its missionary powers and interest, missionary interest in everything connected with this matter of contributions, especially contributions to the "Evangelical" Societies.

I think that any fair minded person, upon taking up that pamphlet and looking at that tabulated statement of contributions, and seeing the average for five years contrasted with the contributions for the year 1871, would naturally suppose that the complainants had in fairness given all the sums which had been contributed from the general collections of the church, or from those individuals who were attached to the church, and that the contrast between the average of the five years and the sums given in 1871, fairly and honestly represented the exact amount of falling off; made a fair exhibit of the "paralysis" complained of. For instance, seeing that for Foreign Missions the average annual contributions of the five years was $1,058.71, while for the year 1871, the amount was only $41.82, the ordinary fair minded reader, upon whom the impression of "paralysis" was intended to be produced, would not stop to say or to think, "perhaps they intended to exclude some particular contribution or especial collections, and it is that which makes the sum for 1871 appear so small." He would not

stop to think, "and perhaps they only counted one collection, and took no note of others."

No, sir, he would look at the $41.82 just as it was meant by these gentlemen to be looked at, as the total of contributions for Foreign Missions for the year 1871, in this "paralyzed" parish. I must confess that when I heard that tabulated statement read for the first time (as I could not then suppose such manipulation of figures possible), a horrible fear and dread overwhelmed me. I thought to myself: "Here have I been asked to be the advocate of this gentleman who is charged with killing his parish, and it does certainly look, in these particulars at least, as if he had gotten it into a comatose condition,—nearly dead."

And yet, sir, these gentlemen have actually done this thing, namely: they have ignored everything except one collection that was taken for Foreign Missions in the year 1871. They have ignored utterly a collection made earlier in the same year, and which amounted to more than $800; they have ignored other contributions for the same object, from the Sunday Schools, which raised the amount to more than $900; and they have also ignored a contribution for the same object from two persons claiming pre-eminently to represent Christ Church, Germantown, which contribution amounted to $1,100. They have actually ventured to put before you, in their printed statement, this sum of $41.82, as the total for Foreign Missions, contributed from Christ Church, Germantown, in the year 1871, and point exultingly to it as an evidence of "paralysis;" while the official record, the "Spirit of Missions" acknowledges for that year the receipt of over $2,000!

But if they claim that the special contribution of $1,100 should not be counted for 1871, we have a right to claim that such contributions shall not be counted in the average for the five years, a time during which, for ulterior purposes there was no reason for excluding special contributions from the record of the church's gifts; which, as a matter of fact were counted in as making up that average.

But whichever way they put it, it makes against them. If all contributions were counted in making the average for the five years, then all contributions must be counted for 1871; and from a careful study of the receipts in the "Spirit of Missions," I can tell these gentlemen that if all contributions are counted in making the average for the five years, they have not done themselves justice. Their

average is higher than they make it out to be; but even then, not equal to the contribution for 1871.

If, on the other hand, they claim that this special contribution shall not be counted for 1871, then we have a right to claim that such shall not be counted as making up the average of the five years, and if such contributions be not counted, either in 1871 or for the five years, then the average falls far below what they make it, and not by any means equal to the contributions for 1871, even excluding this sum of $1,100. They may take either horn of the dilemma they choose.

They have dealt with figures in the same way when connected with the contributions to the Episcopal Hospital.

I suppose every rector knows that there is scarcely an occasion of collection in the church for a specific object, when there is not some person who has come unprepared to give; and there are always some present, who, stirred up, perhaps, by the appeal of the rector for the specific object, do not put as much money as they intend to give upon the plate, but who send it in a contribution afterwards. Is not that fairly to be counted as a contribution from that parish? It is not credited to any other, certainly. Now, if we take such contributions, into consideration, as we have a right to do, the sum contributed to the Episcopal Hospital, in 1871, from Christ Church, rises very far above the $65, as set forth in the tabulated statement, and reaches at least $397, excluding Mr. Spencer's contribution.

So also of the collections for the "Evangelical Education Society."

The same principle, or want of principle, seems to run through their whole exhibit. It really seems as if in defiance of facts, they have been making up accounts to suit themselves,

Now, may it please the court, let us pass to another matter. We find on page 34 of the "additional statement" of the complainants, read this afternoon, the following:

"As to the gross personal attack upon Mr. Charles Spencer, we need only refer to his nearly sixteen years' connection with Christ Church as a communicant. On becoming a member of the church, he was informed by its rector that his long connection with an Evangelical denomination rendered confirmation unnecessary."

I should say that this was much worse for the rector

than for Mr. Charles Spencer. As I said before, in reference to this matter, we are not going into causes, we are going into facts, and certainly there was no intention of "sneering." Our client had been borne upon very hard, and we wished to see, as a matter of fact, what elements were engaged in this opposition. We had a right to do it; and if it be a "personal attack," I am sorry for it.

Of course, if a gentleman goes to his pastor expressing a readiness to be confirmed, and his pastor says, "never mind that; it is not necessary," he would naturally take his pastor's word for it. But the fact remains unchanged. His pastor's unfaithfulness does not alter his ecclesiastical status; and I can't help saying that such a pastor ought to be ashamed of himself for thus misleading an inquiring member of his flock.

I hesitate very much to trespass further upon the time and patience of the Court, as the hour is growing late, and I shall leave to my colleague, Mr. Conarroe, the summing up of certain points upon which I could readily enlarge.

It seems to me that if you take into consideration all the allegations made by the complainants against the rector, the sum and substance of them all, unsustained as they are by any proof, may be gathered from the following parable, written long ago by one who has no claim, it is true, to be considered "an Evangelical, as we Low Churchmen understand it," but whose words may be profitably pondered even by such. He wrote, Mr. President, as follows:

"A Wolf meeting with a Lamb astray from the fold, resolved not to lay violent hands on him, but to find some plea which should justify to the Lamb himself his right to eat him. He thus addressed him: 'Sirrah, last year you grossly insulted me.' 'Indeed,' bleated the Lamb in a mournful tone of voice, 'I was not then born.' 'Then,' said the Wolf, 'you feed in my pasture.' 'No, good sir,' replied the Lamb, 'I have not yet tasted grass.' Again, said the Wolf, 'you drink of my well.' 'No,' exclaimed the Lamb, 'I never yet drank water, for as yet my mother's milk is both food and drink to me.' On which the Wolf seized him and ate him up, saying: 'Well, I won't remain supperless, even though you refute every one of my imputations.'"

We look to the court to prevent this wholesale supper.

ARGUMENT OF MR. CONARROE.

May it please the Court: My colleague has discussed this case so fully that I must claim your indulgence if I seem to weary you with any repetition. Unlike my friend on the other side, I am not a resident of Germantown, nor connected in any way with the parish of Christ Church; nor have I the advantage of knowing anything about this case, except what has come to my knowledge professionally. My friend, I think, has overlooked one very important fact, namely, that the complainants must make out a *sufficient* case; though perhaps, from his point of view, it is not even necessary. Indeed, I understand him to assume the position that it is not necessary to prove anything here but the mere fact that a controversy exists between the rector and a majority of the vestry of Christ Church, and that then, the fact of a controversy being ascertained, this tribunal is powerless to do aught than recommend the resignation or dismissal of the rector, no matter what the controversy is, no matter by whom it was originated, or who is in fault. But in point of fact, the complainants, whom my friend represents, must prove their case, and show just grounds for a dissolution of the connection between the rector and his congregation. I do not think they have proved anything resembling a case.

We might have demurred to the entire bill of complaint which has been presented before you, as wholly insufficient to authorize any interference under the canon, in this, that the complainants set up a test of partisanship—mere partisanship—as a ground for a dissolution; a test which the church at large could never recognize. The church at large could certainly never admit that lukewarmness in supporting the interests of any "party" in the church should be a ground for turning a clergyman away from his parish, and we might have rested here. But we felt it proper that the cause should be fully heard upon its merits, and that the complainants should be met on their own ground, well knowing that these allegations of the complainants could be answered and fully disproved. This we are satisfied we have been able thoroughly to do.

The case of the complainants may be summed up in a very few words.

First, they charge that Christ Church, Germantown, was organized in the interests of the "Low Church party." We admit that a large number of those who originally connected themselves with this Church, and of those who have been since connected with it, have been generally classed as Low Churchmen. But we also contend that the congregation at present, and the persons who support the Rev. Dr. Rumney, are still to be found among those generally known as Evangelical men, and Low Churchmen. So much on this point.

Again, they charge that the Rev. Dr. Rumney was elected "unseen, unheard, unknown," upon certain representations made to the vestry by two of their number. This allegation we have fully and effectually replied to in the answer, where it is clearly shown by the certificate of five vestrymen, who were present at the vestry meeting, that the representations, alleged in the statement to have been made, were not made, and that certain other representations of an entirely different character were made. But in the supplemental statement, Mr. W. C. Houston attempts to break the force of this certificate by the very insufficient reply, "I do not recollect of saying 'I was willing to vote for any man endorsed by the Rev. Dr. Childs.'" Now, may it please the court, Mr. Houston may not recollect saying this, but five gentlemen testify that they do recollect his saying so. They say they can distinctly recollect the thing, and it makes no difference at all that he does not. At best his testimony is merely negative proof. Positive proof always outweighs negative proof, and the weight of the evidence is in the proportion of five to one against Mr. Houston. Under these circumstances, no one can doubt that he used the expressions, though he may have forgotten them since. You are bound to decide according to the weight of the evidence.

The printed answer shows just what was said in the vestry at the time of Dr. Rumney's election, and what was not said. It was then said that he was "Evangelical in his doctrine, a conservative prayer book churchman, and not a party man." That he is now exactly what he was then described to be is the principal burden of the complaint before you.

The complainants further say, that "a very short time served to show that Dr. Rumney was not an Evangelical

man as we Low Churchmen understand it," and that "he was not willing to support those Evangelical societies which it had been the invariable practice of Christ Church to support. Clergymen filled the pulpit under Dr. Rumney's auspices, in his exchanges and occasional absences, who had never before addressed the congregation of Christ Church, and who were different entirely in their views from their dearly loved preachers."

As to the Evangelical status of Dr. Rumney it is only necessary to refer to one letter; that letter is from the Bishop of this Diocese. The whole case between the vestry of Christ Church and their rector was presented to the Bishop last summer, and he decided in the end in favor of the rector. It is true that the Bishop first wrote advising Dr. Rumney to resign, but that was because he had then heard only one side. He subsequently stated that if he had known all the facts which were afterwards submitted to him, he would not have written such a letter. His first letter therefore goes for naught, as nothing can fairly be called a decision which is made before hearing both sides of a case. It is not necessary to go into this matter further, and we should not go into it at all at this time, but for the fact that it has been already brought before you, unwisely I think, by the other side. The Bishop's final determination is seen in his last letter, that of September 30th, 1871. In that letter he declares that Dr. Rumney is "free from all personal or canonical reproach," and stands before him "with an unimpeached ministerial record."

But it is alleged by the complainants that Dr. Rumney is not an Evangelical man. Does any one suppose that the Bishop of Pennsylvania—a decided Low Churchman—knowing the status of Dr. Rumney; having recommended him for this very parish; having heard the assertions of the complainants, that they had been imposed upon and deceived as to his church views; would, if he believed there had been any imposition, deliberately certify that the gentleman who had committed the imposition, or had at least become a party to it by refusing to resign, was free from all personal or canonical reproach? No! The Bishop heard all the allegations which you have heard, and decided against these complainants. The complainants have thought fit to re-open this controversy, and to apply for a Board of

Reference under the canon, in order to have the chance of another decision by this tribunal.

As to the clergymen who preached, the lists furnished in the appendix to the answer shows exactly the amount of damage inflicted on the complainants. The names tell their own story, and this branch of the case needs no further criticism from me.

The most serious charge, however, which has been made by the complainants, is that since Dr. Rumney's rectorship in Christ Church, that "once flourishing parish" has been "reduced to a paralyzed condition." The utter groundlessness of this charge is amply shown in the answer. My colleague has already commented on most of the points arising under this head. I may here say, that the statistics of collections, &c., which are set out in the answer, were prepared by us from the original printed reports of the several Evangelical Societies. We took the reports which covered the particular years referred to in the complainants' statement, and extracted from these reports what appeared on the face of them, and I think we extracted enough to show that the statistics of these complainants were very inaccurately made, to say the least.

One of these reports was that of the Evangelical Education Society, of which Mr. W. C. Houston, one of the complainants, was and is the Treasurer. In his report for 1871, he credits from Christ Church, Germantown, $58.95. On another page of the same report, he credits moneys received on the same day from individuals of the congregation, amounting to $195.01. Now who are these individuals? They are Charles Spencer, R. S. Spencer, C. LeBoutillier and J. W. Lewis. In the report of the Evangelical Knowledge Society, also, the individual contributions are suppressed. They were from Charles Spencer and W. C. Houston. You cannot fail to have noticed that the very persons who have combined to withhold their contributions from the usual channels, are the same who have combined in this unjust complaint against their rector, and who claim that the collections have fallen off. Why, they actually have the assurance to say that they did not intend that their contributions "should go to the credit of Christ Church," and that they have the right to contribute through any channels they may see fit. Undoubtedly they have, ordinarily; but they have not the right to contribute through other than the usual

channels, and then claim that "the collections are falling off." This is too transparent a device. Their individual contributions have in previous years been counted in the general aggregate, and on every principle of fairness must be so counted now.

We have answered that the complainants' figures are grossly incorrect, and that the accounting warden must have known this. We said: "The accounting warden, at least Mr. Spencer, through whose hands the moneys of the church pass, should have known whether the financial statistics were or were not correct. Strangely enough, his yearly financial statements, which are carefully preserved in the vestry minutes, from 1862 to 1869, inclusive, are as carefully omitted since 1869. And this is the gentleman who writes to Dr. Rumney, "The committee's only object is the glory of God and the good of the church."

The vestry minutes are now before you; you can readily see whether this statement is or is not correct. What is the reply attempted on behalf of the complainants? Simply, that "the warden states that in no year since he became warden has he failed to present to the vestry his yearly financial statement, duly audited by the proper committee. After it has been presented, it becomes the property of the vestry, and the warden is no further accountable for it. We may add, that he has frequently been complimented upon the accuracy with which the accounts have been kept."

This is no answer to the plain allegation that the warden's yearly statements for 1870 and 1871 are withheld from the vestry minutes, or, at least, do not appear there. These vestry minutes were produced for our inspection, and were handed to me. Whether the yearly statements were taken out of the books immediately before their production, or whether they have always been absent, I do not pretend to say. It is sufficient to know that the warden's statement appears in all the previous years from 1862 to 1869, and that it does not appear in the last two years. It may have been presented to the vestry and duly audited, but it has been withheld from the minutes, from the rector, and from the rector's counsel. In view of the stress which is now sought to be laid by the complainants on the financial statistics of these very years, the absence of these statements is certainly suspicious.

As to the dissatisfaction in the times of the Rev. Mr.

Atkins, referred to on page 23 of the answer, the facts are too well known, and are too capable of proof, to require any sort of reiteration. It is notorious that the former times in this parish were far from being "unruffled." In fact, one expression made use of by the complainants in their supplemental statement, read this afternoon, gives the key to the difficulty with the former rector. They say, "we suppose every man has the right to make or withhold his benefactions when and where, and through what channels he sees fit, and that no other party on earth has any more right to call in question his conscientious action in doing what he will with his own, than he has to call a man to account for voting according to his conscience."

Now, it so happens that for voting according to his conscience at a presidential election in 1868, the former rector was required to leave the parish.

Mr. Price. Where does that appear?

Mr. Conarroe. That is a matter of public history, like the Declaration of Independence.

In the complainants' supplement a letter is printed from the anonymous Miss Blank, who, in company with the other Miss Blank, undertook the work of getting signatures against the rector with so "great reluctance," but who was soon "convinced that it was a necessity;" and who certifies that no misrepresentations were made to any of the parties called on, but that everything was done in the most amiable, and decorous, and thoroughly honest manner. Now, I am sorry to say anything to reflect upon any lady, but unfortunately for her we have the testimony of Mr. F. Mortimer Lewis, Dr. Rumney, and twenty-three other persons, contradicting the statement in this letter. These twenty-three persons tell very plainly what representations were made in order to get their signatures. And I may add here that it is a moral impossibility that twenty-three persons, each in a different place, visited unexpectedly on the same day by two gentlemen, and clearly and distinctly giving their separate statements in their own words, could have been in any sort of collusion. What did they tell these two gentlemen? Identically the same story; and they could not well have done that unless that story was entirely and exactly true.

The complainants reply to this "we have not called nor do we intend to call upon these persons to question them," and again, "it will be observed that the precise language of these

persons is not professed to be reported." Nothing of the kind will be observed, may it please the court; just the contrary. We do profess to give substantially and exactly what they each said. The notes of what was said were taken carefully at the time by Mr. F. Mortimer Lewis, and it is worthy of remembrance that these statements, just as printed in the appendix to the answer, were read at the vestry meeting in September last. So the complainants have had ample notice, and ample opportunity to investigate the subject had they wished. But complainants say of these persons "They probably answered the questions, the precise bearing of which they may not have understood." Is it "probable" that twenty-three grown persons should be so dull of comprehension that they did not know whether they were or were not in favor of their rector? Complainants again say: "They have not been cross-examined here; and we might reject their whole testimony." Well, who has been cross-examined here? Nobody. It was agreed that the pamphlets on each side should be admitted as if testified to. It was agreed that we should dispense with oral testimony. If want of opportunity for cross-examination is so fatal, the complainants' whole case will fall to the ground, for we have had no opportunity to cross-examine any one on the other side. I do not understand the principle on which it is assumed that this testimony might be rejected. Because these persons might readily have been brought here; many of the facts stated could be proved by persons now in this room. It is trifling with the court to use such an argument.

The complainants again say: "But to save the time of the Board in examining the witnesses we will concede that there have been found 23 of our 129, who on being applied to by the rector in person, have, in the kindness of their hearts, not had the firmness to tell him to his face that they desired him to leave the Church." That is to say, there are twenty-three persons on the other side, supporters of the complainants, who, when they are inquired of by Mr. Mortimer Lewis and the rector, have not the firmness to tell the truth! This is a fatal concession, and it really concedes the whole case as far as the list of signers asking the rector to resign is concerned. We contend that the misrepresentations proved, and now virtually admitted, vitiate the whole document. A document that is impeached in part, as you well

know, is impeached altogether. You cannot separate the bad and leave the good.

But this original paper, asking the rector to resign, which has been repeatedly asked for by him, and which was prepared in August last has never been furnished to him. A copy only was given. The original has not been submitted to our inspection until this very afternoon, though these gentlemen knew perfectly well that this was to be the last meeting of this Board. All that they are now able to produce is this paper which I hold in my hand. This paper contains on one sheet forty-two names, and on another four names, making a total of forty-six names. They say they have omitted to bring part of it! Thus the 129 names dwindle down to 46. The estimate of complainants' strength in the congregation given in the respondent's answer was based on the supposition that the signatures claimed could be produced. Forty-six names are all that are produced in evidence before you, and, as this case is now closed, no further paper can be put in evidence.

It will be further seen by an inspection of this original paper, that a large number of the signatures are far from being genuine; at least they were not written by the persons themselves. In a number of cases several names appear to be written by one person. Thus, four names on the second page, are evidently written in one hand, and with the same ink. A little further down upon this page are two names which plainly appear to have been written by the same person. A few lines still further down three names are written by one person. Now, in a matter so serious as the sending away of a rector from a parish like Christ Church (or any parish), is a document which is gotten up in this reckless and unfair way, and which in many cases is not even signed by the persons themselves, to be presented to this court of five Presbyters as of any authority? Does that paper really amount to anything at all? I submit, clearly not. This court must determine.

The summary in the answer, showing the relative strength of the friends of the rector, and the friends of the present vestry, or rather a majority of the present vestry, was prepared from tables carefully compiled by Mr. H. H. Houston, rector's warden, a gentleman thoroughly competent to do such a work, and one whose word, as every one knows, is

beyond question. (To Mr. Vail.) You do not intend to deny this on the other side?

Mr. Vail. Certainly not.

Mr. Conarroe. We have based our figures upon Mr. Houston's written tables. The details were too voluminous for insertion in the answer. Credit was given to complainants for all the names appearing on what purported to be a copy of their paper. The original, it seems, fails to come up to the copy. But Mr. Houston gave them credit for all they claimed, and in his analysis the same rule is applied to both sides, in estimating the number of persons represented by each; therefore, it is equally fair. He took the heads of families who had signed, and considered them as representing their children or families. He did not, as the other side seem to have done. go to the Smith family, for instance, and say let Mr. Smith sign, and Mrs. Smith sign, and then take all the seven little Smiths who can write, or can have a pen put into their hands, and let them put their names down; and then say the Smiths count nine. And then, when Mr. Brown signs on the other side, as the head of a family, he does not omit to count Mrs. Brown and all the eight little Browns, because their names are not on the paper, and say the Browns count one. No! he counts the Smiths as nine, and the Browns as ten. It is easy to see that a mere list of names furnishes a very unreliable index to the views of the congregation, even if these names are all signed by the persons themselves; which is more than can be said of those upon the complainants' paper, as I think this Board will be fully convinced upon an inspection of it. The complainants have signed this paper, and their children have signed it. The rector's friends did not think it worth while to have any other than grown persons sign the letter asking him to remain. This is the reason why the one hundred and one names on the rector's paper represent a much larger part of the congregation than is represented by the one hundred and twenty-nine names on the opposition paper, twenty-three of which names, by the way, are now admitted to have no right there. The complainants have therefore entirely failed to make good their assertion that "they represent the congregation in the fullest possible manner," and it will be noticed that the canon speaks of the pastoral connection as being between the rector and his parish or congregation.

But the complainants present another paper for the con-

sideration of this Board, and, if they do not represent a majority of the congregation, they claim to represent a majority of the voters of two years' standing. They say nothing about pew owners for less than two years, who are equally entitled to your consideration. The Statement says: "Let these gentlemen remember that the highest number of votes is fifty-nine, then let them listen to this paper, which pledges a full majority of these voters to choose at the coming Easter election, a vestry which shall stand against Dr. Rumney, not nine to three, but twelve to none!" Well, what is the language of the paper? "We, the undersigned, who will be legal voters for vestrymen of Christ Church, Germantown, at the next Easter election hereby declare our determination to vote for a vestry who shall be in harmony with the action of the present vestry, inasmuch as we believe the principles of the present vestry are in accord with those upon which the church was originally established." There is nothing in this paper about Dr. Rumney; nothing about "twelve to none;" nothing whatever to prevent any signer of it from voting for Messrs. H. H. Houston, Kingston and Schaeffer, members of the present vestry and friends of the rector.

Now, as to some of the signers of this peculiar document, which certifies the result of the election in advance, Robert B. Dunning is a Presbyterian, and does not attend Christ Church; H. W. Heiskell is a Presbyterian, and does not attend Christ Church; and Charles P. Bayard is also a Presbyterian, and does not attend Christ Church; while George Nugent is a Baptist (an elder, at that), and does not attend Christ Church. The charter of the church provides that no one shall vote for vestrymen who is not a member of said church, and a member who refuses "conformity" is expressly disqualified from voting. We have set out this article of the charter in full in the answer. It certainly is far from modest or becoming, therefore, for these persons to assert that they will vote, and how they will vote. Their preferences are at least entitled to no respect from this tribunal. I know the language of the charter has been frequently strained to a great extent; but I do not think it has ever been strained to the extent attempted here. A man certainly cannot be a Baptist Elder and a member of the Episcopal Church at the same time, and there is no religious body in the land which would tolerate such officious interference.

It is a scandal that such a question should even be argued. That a member of another religious body, who does not believe the doctrines of the Episcopal Church, nor conform to them, can come to vote at a vestry election with the avowed purpose of driving a rector away on doctrinal or any other grounds, is a monstrous proposition and a glaring impropriety. Even with these unlawful voters the complainants can only claim thirty-two out of fifty-nine.

But my friend, Mr. Vail, accuses us of sneering at Presbyterians, and Baptists, and Methodists. I concur with my colleague in saying that we desire to do no such thing. I have many worthy friends among each, but those bodies are not on trial here. What we do contend for is that Methodists and Baptists have no right to govern the Episcopal Church, or to have any share in its government, so long as they remain Methodists and Baptists. If they come into the Church well and good. They have the same legal right to their opinions that we have to ours. We do not dispute their right to govern their own religious organizations in their own way. It is certainly not too much to ask from them what they undoubtedly expect from us. They would readily, and very properly, resent any interference on our part with the status of their ministers. And I may add here that I do not think there is a religious body in the land in which the position of a minister is held to be dependent on the will of a majority of a board of trustees, or body analogous to our vestries. The Congregationalists have the loosest notions of the ministerial tie, and even among them a majority of the congregation is required to dissolve the connection. Among the Presbyterians, I understand, the majority of the congregation, or even the whole congregation, cannot dismiss without the consent of the Presbytery.

While I am upon this subject, as Mr. Charles Spencer has been referred to as a consistent communicant of Christ church for sixteen years, though unconfirmed, and it has been thought altogether slanderous to call him a Methodist, I will quote from a document which will throw some light on the matter. I hold in my hand the Fifth Annual Report of the "Church Extension Society of the Methodist Episcopal Church," with a handsome wood cut of the church at Broad and Arch streets, upon the cover. This report contains a list of the officers and managers for 1871, the very year in which Christ Church is said to have been so

paralyzed. In the list of "laymen" who are managers of this society, I find the name of Charles Spencer. The constitution of this Society requires that these managers shall all be "members of the Methodist Episcopal Church." Mr. Spencer is sufficiently a Methodist to be one of the managers of this Society. I do not think it exactly fair, therefore, to say that it is a slanderous accusation to call him a Methodist. I do not say that he is any worse for being a Methodist. It is better to be a straightforward Methodist than a disloyal "Episcopalian." Whether he is an inconsistent Methodist or an inconsistent Episcopalian, I will not pretend to settle.

There are several other points in the complainants' case which may be briefly referred to. In their supplement read this afternoon, they say, "The present vestry have never repudiated any of the doctrines of the Protestant Episcopal Church, but are faithful adherents thereto, and propose so to continue. Should they be called upon to select another rector, they hereby declare that they would endeavor to elect one whose loyalty to its doctrines and discipline cannot be doubted."

Part of this declaration may be true, in one sense. The present vestry, as a vestry, may never have repudiated any of the doctrines of the Protestant Episcopal Church. But do the complainants mean to say that no member of the vestry has ever repudiated any of the doctrines of the Church? The "statement" before this Board was prepared or signed by four members of the vestry. It is "endorsed" by five others. The first endorser—to use a technical expression—is Mr. Thomas H. Powers. Mr. Thomas H. Powers is the proprietor of a "religious" paper miscalled the "Episcopalian." Has that paper ever repudiated the doctrines of the Episcopal Church? I leave the question for this Board to decide. I think it is very well known that that paper has done all it could to abuse and misrepresent the Episcopal Church, and the distinctive doctrines and formulary of the Church. It is a matter of notorious and regretful comment. That newspaper speaks the views of its proprietor.

Some time ago a paper was gotten up which a number of misguided gentlemen signed. It was a testimonial of sympathy to a person in Chicago, Mr. Cheney, whose principal distinction was that he was a law-breaker, and had been convicted of breaking the law of the Church. Among the

signers of that testimonial may be found Mr. Thomas H. Powers and Mr. W. C. Houston. How the signing of that testimonial can be reconciled with the statement that the complainants have never repudiated any of the doctrines of the Episcopal Church, I cannot see. And these are the gentlemen who pledge themselves, if you will only give them the chance to elect another rector, to elect one whose "loyalty" to the Church cannot be doubted! Whether they would have any difficulty in electing a new rector may perhaps be inferred from the fact that, when they last had a rector to elect, twenty-five clergymen were nominated, nine vestry meetings were held, innumerable ballots were had, and out of the whole number, as the vestry minutes show, they could only agree upon the Rev. Mr. Langford, and the Rev. Dr. Rumney. The Rev. Mr. Langford declined. The Rev. Dr. Rumney came. It would be a dangerous experiment to agitate this vestry with another election.

The last piece of testimony to which I will refer was submitted to-day in the supplemental answer. It is there shown that when the collection was taken up in Christ Church, in November last, for the purpose of meeting the customary yearly deficiency in the revenues of the church—these gentlemen, who are complainants here, and who would have you believe that they are the principal supporters of the church, and without whom it would immediately go to ruin, contributed less than $42 out of the total sum of $1,042, which was then collected. One thousand dollars was contributed by the friends of the rector—and this furnishes tolerably satisfactory proof that the rectors' friends are in the majority. It would be lamentable to suppose that the complainants, if they represent the congregation, as they say, in the fullest possible manner, should only be able to contribute the sum of forty-two dollars towards the deficiency in the expenses of the "sanctuary" for whose custody they contend so ardently! Why, it is only an average of four dollars and sixty-six cents to each of these wealthy complainants, and there is no sort of proof that they even gave that. We are only conceding it, for argument's sake, and I think we show very clearly that the support of the Church can scarcely be said to depend on the complainants.

The greater part of the trouble in the present case, and in similar cases, arises from a total misconception of the powers and rights of vestries. Instead of being content with their

legitimate duties, in supervising the temporal affairs of the parish, some vestrymen are actually inclined to think that the vestry may organize itself into a sort of court to try the real or supposed delinquencies of the rector. They reverse the relative positions of teacher and taught, This is evidently the idea of the complainants. They say "it began to be discovered that the vestry did not govern the Church." It would be unfortunate if they did. How and where did they get any authority to govern it? Their business is simply to manage the temporal affairs of the parish.

Webster defines vestry to be "a committee chosen annually by the parish, who, in conjunction with the church wardens, manage its temporal concerns."

Judge Hoffman quotes from Lord Stowell to show that the office of church warden (which is higher than that of mere vestryman) "is an office of observation and complaint, but not of control with respect to divine worship." That "if the minister introduces any irregularity into the service they have no authority to interfere, but may complain to the ordinary." Law of Church, 268. This does not look like "governing the Church." They may complain to the ordinary. In this case they have so complained. Their complaint was held groundless.

A rector holds his office during good behavior. The doctrine that because the body which elects or appoints may therefore dismiss, will not stand the test of investigation. A Diocesan Convention elects a Bishop, but cannot dismiss him. When our judges were appointed (during good behavior) by the governor, the power of appointment did not imply the power to dismiss.

The first canon on the subject of "Differences between ministers and their congregations," was, like many other bad laws, passed to meet a particular case. The case provided for was that of Dr. Ogden, of Newark, New Jersey, where the ground of difference was "a tendency to doctrines and practices inconsistent with the principles and rules of the Church, an overbearing conduct, and an assumption of control in temporals." The last was a direct intrusion upon the domain of the vestry. Bishop White said of it, "the canon deserves the name of a necessary, but it is hoped only a temporary evil. The apprehension of the abuses of it have been verified." The Bishop questioned its principle on the ground that there should be no severance from a pastoral

charge except as the result of a trial for alleged misconduct which is, "most agreeable to the idea of exalting law above will." Hoff. L. C. 322. The complainants here wish to reverse this principle and exalt will above law.

This canon of 1804 was followed by a canon of 1808, which imposed a penalty for the dismissal of a minister without the concurrence of the ecclesiastical authorities. The imposition of such a penalty, as is well settled, plainly implies that the act itself is unlawful, and does not mean that the penalty is merely a price to be paid for the doing of the wrong. Mitchell *v.* Smith, 1 Binney, 119; Bartlew *v.* Vinor, Carthew, 25. To the twenty-ninth canon of 1808 was added a clause peculiarly applicable to the present subject: "It is understood that the church designs *not* to express an approbation of any laws which make the station of a minister dependent on anything else than his own soundness in the faith, or worthy conduct." Hoffman's L. C. 322.

The canons of 1804 and 1808 on this subject were substantially the same as the thirty-fourth of 1832, which was as follows:

"In cases of controversy between ministers who now or hereafter may hold the rectorship of churches or parishes, and the vestry or congregation of such churches or parishes, which controversies are of such a nature as cannot be settled by themselves, the parties, or either of them, shall make application to the Bishop of the diocese, or in case there be no Bishop, to the convention of the same.

"If it appear to the Bishop and a majority of the Presbyters convened, after a summons of the whole belonging to the diocese, or if there be no Bishop, to the convention, or the standing committee of the diocese (if the authority should be committed to them by the convention), that the controversy has proceeded such lengths as to preclude all hopes of its favorable termination, and that a dissolution of the connection which exists between them is indispensably necessary to restore the peace and promote the prosperity of the church, the Bishop and his said Presbyters, or if there be no Bishop, the convention of the standing committee, if the authority should be committed to them by the convention, shall recommend to such ministers to relinquish their titles to the rectorships on such conditions as may appear reasonable and proper.

"If such rectors or congregations refuse to comply with

such recommendation, the Bishop and his Presbyters (or the convention or standing committee, if authorized, with the aid and consent of a Bishop), may, at their discretion, proceed according to the canons of the church to suspend the former from the exercise of any ministerial duties within the diocese or State, and prohibit the latter from a seat in the convention, until they retract such refusal and submit to the terms of the recommendation ; and any minister so suspended shall not be permitted, during his suspension, to exercise any ministerial duties in any other diocese or State."

This canon was repealed in 1859, and from that time until 1871 there was no canon to supply its place. In 1871, Canon 4, Title II. was amended, and the provisions of the canon of 1832 were re-enacted with some modifications. The following is the second section of the amended canon under which this Board of Presbyters is now convened:

"II. The five Presbyters thus designated, shall constitute a Board of Reference to consider such controversy, and if after hearing such allegations and proofs as the parties may submit, a majority of the Presbyters shall be of opinion that there is no hope of a favorable termination of such controversy, and that a dissolution of the connection between such rector or assistant minister and his parish or congregation is necessary to restore the peace of the church and promote its prosperity, such Presbyters shall recommend to the Bishop that such minister shall be required to relinquish his connection with such church or parish, on such conditions as may appear to them proper and reasonable."

Under this amended canon, the five Presbyters have full jurisdiction to ascertain:

1. What the controversy is.
2. Whether the alleged complaints are true.
3. If true whether they are such as to "warrant an interference under this canon."
4. Who is the party in fault.
5. Who is the party applying for relief, and if a vestry, whether that vestry truly represents the congregation.
6. And lastly. Whether (if the controversy is irreconcilable) under a full consideration of the whole case, there is just ground for a dissolution of the pastoral connection, "between such rector or assistant minister and his parish,

or congregation," as necessary to restore the peace of the church and promote its prosperity.

Any less than this would make this tribunal the veriest mockery of justice. To contend, as these complainants contend, that the court has nothing to do with the causes which led to the differences, or with the merits of the case, but is merely to ascertain whether there are differences, and whether the complainants say they will not be reconciled, and then that the court is powerless to do anything but decree a dissolution, is to contend for a direct reversal of the most fundamental principles of law and equity. To state this monstrous proposition, is to show its unfairness and its absurdity.

I. What the controversy is, appears by the complainants' statement, and the respondent's answer.

II. Are the alleged complaints true? If they are not, the case of the complainants falls. At the conclusion of their "statement" they expressly say (p. 29), "our narrative is now concluded, and you have the case before you. We have followed the history of the church down to the present time, in order that you may understand fully, on what grounds we desire the dissolution of the pastoral relation between Dr. Rumney and the parish of Christ Church, seeing that we prefer no charge against Dr. Rumney of any specific default as rector, we have attempted to show that the church was founded for, and had always been, an Evangelical Church, that Dr. Rumney was elected under a misapprehension and misconception, both of his views on church polities, and of the opinion of his nominators."

Whether these complaints are true, it remains for this board to decide.

III. If true, are they such complaints as warrant an interference under this canon? It is submitted that they are not. Defective partisanship cannot be just ground for a dissolution of the pastoral connection.

IV. From the testimony produced, this Board of Presbyters can decide who are the parties in fault.

V. The "parties applying for relief" under this canon are a majority of the present vestry, and this tribunal is to

decide whether they have shown that they faithfully represent the congregation.

The second section of this canon says, that if a majority of the Presbyters shall be of the opinion, &c., that a dissolution of the connection between such rector or assistant minister and his parish or congregation is necessary, &c. How are the Presbyters to ascertain whether such a dissolution is necessary without having explicit proof of the wishes of at least a majority of the congregation? The complainants admit the force of this, in their "statement," when they claim that the "vestry (meaning their portion of it) represents the congregation in the fullest possible manner." If they do not, how can the Board of Presbyters decide that a dissolution is necessary? The vestry may inaugurate these proceedings, it is true, but the final question to be passed upon by the Presbyters is whether a "dissolution of the connection between such rector or assistant minister and his parish or congregation (not the vestry) is necessary to restore the peace of the church (not of the vestry) "and promote its prosperity" (not the prosperity of the vestry). The relation between the minister and his congregation is permanent. He is called the rector of the parish. The vestry are simply transient officers elected annually. Accidental circumstances, or a trifling majority of half a dozen votes on a false issue, may retain them in office a year or two after they have ceased to represent the real constituency of the congregation. They are but acting in a representative fiduciary capacity, and should be held in a case like this to the strictest good faith. But it may be argued that the vestry need only represent the pewholders of "two years' standing." But the canon does not provide for such a narrow interpretation. The monstrous modern iniquity of property in pews, is not taken into account, and when the church has used the broad word congregation in this especial canon, it cannot with any candor be urged that the voice of the congregation is only to be expressed according to the formulæ of a joint-stock corporation.

VI. Lastly, this Board of Presbyters must decide (if they find the controversy irreconcilable) whether upon a full consideration of the merits of the whole case, there is just ground for a dissolution of the pastoral connection between such rector or assistant minister and his parish or congrega-

tion, and that such dissolution "is necessary to restore the peace of the church and promote its prosperity," and herein the peace of the whole church may well be considered.

My friend, Mr. Vail, has quoted very freely from Bishop Alonzo Potter, a Bishop for whose memory I always entertain the sincerest respect. It strikes me, however, as a little strange that the complainants, when enumerating the "highly esteemed fathers of the church," who have promulgated Evangelical views to their satisfaction, should refer to Bishops McIlvaine and Bedell, of Ohio, Johns, of Virginia, Lee, of Delaware, and Eastburn, of Massachusetts, but not to Bishop Alonzo Potter. They did not refer to him as one of their highly esteemed fathers.

MR. PRICE. I suppose that was because he was not living.

MR. CONARROE. They refer in the same paragraph to the Rev. Dudley A. Tyng. He is not living. He died before Bishop Potter, if I am not mistaken.

Well, the complainants now quote from a letter of Bishop Potter, advising a rector to resign. We do not know the circumstances of this rector's case, but it would seem to have been a case where money matters, principally, were involved. As the complainants have neglected to quote from their esteemed father, Bishop Eastburn, we will take the liberty of quoting from him. The case of the Rev. W. R. Pickman, decided by Bishop Eastburn in 1865, is directly in point here. The principle of that case is exactly the principle of the present case. The "proprietors," as they are called, of St. Peter's Church, Salem, Massachusetts, were dissatisfied with their rector, and at their annual parish meeting they passed a resolution that the interests of the parish would be best subserved by a termination of the connection between them and their rector. This resolution was passed by a vote of thirty-four yeas to fifteen nays. The rector replied that the proprietors, while assailing him privately, had refused as a body to bring any charges, by meeting which he could defend himself, and that in his opinion, a termination of the connection would materially injure the interests of the parish and of the rector. The "proprietors" at a subsequent meeting, disclaimed any intention of imputing to the rector any wrong, and by a vote of thirty-seven to eight, requested his resignation. The rector declined to resign. The "proprietors" then declared the pastoral relation dissolved, and appointed a com-

mittee to apply at once to the Bishop for his concurrence in such dissolution.

The language used by these "proprietors" is almost identical with that used by the present complainants. The complainants say, "we have no fault to find with Dr. Rumney. None at all. He is a very amiable man, and we all love him." This was their feeling when they went about electioneering for a ticket pledged to turn him out! "We have no specific ground of complaint. We have the greatest affection for him—at a distance. We are all law-abiding, peaceful men, faithful adherents of the Protestant Episcopal Church—so long as we have our own way."

In Mr. Pickman's case, Bishop Eastburn decided in favor of the rector, saying that the proprietors in one of their resolutions had declared that they had "no purpose of casting any imputation upon the character of their rector in any of his relations as a man, a clergyman, or a Christian." I understand the case here to be similar, and that the complainants do not undertake to cast any imputation upon the character of their rector in any of his relations. If I am wrong I would like to know it now.

Mr. Vail. We do not, most emphatically.

Mr. Conarroe. Bishop Eastburn concludes thus: "This being the statement of the proprietors in regard to the Rev. Mr. Pickman, I feel that I should do a great act of injustice to him, by concurring with the action of the proprietors. I therefore decline so doing." If the example of this esteemed father in the church had been followed in Pennsylvania this Board need never have been convened. His decision is a much later authority than the decision in Dr. Jarvis' case, cited by our friends on the other side. The fact that the amended canon of 1871, was not in force makes no difference at all. The canon is substantially the same as that of 1804 and 1832, except as to the composition of the tribunal. That only four cases, since 1804, can be found where a dissolution has been recommended under the canon is pretty conclusive evidence that it does not furnish the short and easy method of getting rid of a rector which the complainants would have you believe.

The powers of vestries were stronger, if anything, in 1865 than now under this Canon, according to the views of the gentlemen who were delegates to the last General Convention. The "proprietors" or pew owners of St. Peter's,

Salem, were not a small minority. They were a large majority; 37 to 9. They requested the rector to resign, and he declined. The Bishop said to concur with the proprietors would be "to do a great act of injustice" to Mr. Pickman. It is for this Board to say whether it would not be equally unjust to Dr. Rumney, to recommend his resignation. The opinion of Bishop Whittingham in Dr. VanBokkelen's case is similar to Bishop Eastburn's.

The proviso to the first section of the amended Canon of 1871, is broad and general. It is, "*Provided*, That the party or parties applying as above, shall first give the Bishop satisfactory assurance of compliance with whatever may be required of them as the final issue of such proceedings." The interpretation claimed for this proviso, on behalf of complainants, is directly in the teeth of its plain words. The bargain is not to be all on one side, and it is impossible to see on what ground it can be urged that the Board of Presbyters cannot impose "any conditions whatever." The Canon provides for a decision either way. Nothing could be fairly called "law" which did not. What is the use of requiring from the parties applying, "satisfactory assurance of a compliance with whatever may be required of *them*," if nothing can be required? If the Board has power to say that a sum of money shall be paid if the rector is obliged to leave, have they no power to recommend "any conditions whatever," if they think he should stay? Nothing is more common in law than for unruly parties to be bound over "to keep the peace." If this tribunal should decide against the complainants, they can recommend any conditions which may properly attach to the subject matter. If they believe them to be aggressors, the least they can do is to "recommend" that they retire from the vestry and cease their unseemly strife. If the complainants do not intend to keep their pledge of "compliance with whatever may be required of them, as the final issue of such proceedings," that is a matter with which this tribunal has nothing to do. Conditions may be imposed, whether they are afterwards evaded or not.

Let us apply the principle of what I may call compulsory dissolution, contended for on the other side, to another case. Take the case of the oldest Presbyter in this Diocese—the beloved and respected rector of St. James's Church. It is but a short time since St. James's congregation removed

from their old location on Seventh street to the corner of Twenty second and Walnut streets. They had built a new and handsome Church, larger than the old one. New pews were put in, and these pews were sold. Suppose Mr. Thomas H. Powers, and Mr. Charles Spencer, and Mr. W. C. Houston, and a sufficient number of their friends, had gone up to St. James's Church, and had bought, if you please, a majority of the pews. Suppose they should then say "we are not satisfied with Dr. Morton. It is true he has been rector of this parish for forty-two years, but we cannot help that. He is not 'an Evangelical man as we Low Churchmen understand it.' He is an Evangelical man as most sensible people understand it, but not as we understand it. We sympathize with Mr. Cheney, and young Mr. Tyng. We take the Episcopalian and cannot stand Dr. Morton. He must go." Application is made under this pernicious canon for a Board of Presbyters. Such a Board is duly convened. These men come before it, and urge the same reasons for the removal of Dr. Morton which they now urge for the removal of Dr. Rumney, and say that the Board cannot go into the merits of the case, that there is "a controversy," and that Dr. Morton must be dismissed from his church. The very statement of such a proposition is monstrous. It is as ridiculous as it is monstrous. The Canon, bad as it is, was not passed by a convention of the "Low Church party," but by the General Convention of the Church in the United States. Can any one for an instant suppose that the General Convention meant that Canon to be used to foster disloyalty to the Church—to be used as a sword against the clergy, when it was said in the debates that it was needed for the protection of the clergy—and that disobedience to the behests of a party should be ground for the dissolution of the pastoral connection?

Majorities make no difference. The question is one of right and wrong, and, if a congregation should be unanimous in the wrong, that would be no reason why they should not be taught that there is a higher power than the will or whim of the congregation. The Church is not a body of congregationalists; but is a body governed, or supposed to be, by general laws. In the present case, however, there can be no doubt that the large majority of this congregation heartily sustain their rector. The controversy here is not really one between the vestry and the Rector; but it

is a controversy between a majority of the vestry and a majority of the congregation.

In conclusion, it may be said that this "controversy" has originated with and has been fomented and kept alive by a very few individuals in the congregation of Christ Church. They can readily be selected even from the small number of signers whose names are attached to the statement. They have made up in zeal what they have lacked in numbers. They are the persons who, having started a most unjustifiable warfare upon their rector, and while statements of the most unfounded and damaging character have been made by them in the parish, are compelled, when they come before this Board of Presbyters, to admit that they can "prefer no specific charges of default against Dr. Rumney as rector," and who yet point to the very disturbance they have created as a reason for that rector's dismissal. They have withheld that hearty aid which their official positions demanded for the parish, and yet in spite of their opposition, the parish is shown to have prospered greatly under the new rector.

The attendance at Christ Church never was greater than at the present time, and the regular revenues of the church never were larger. To recommend a severance of the pastoral connection, would be simply to further the designs of those who have been disturbing the church's peace. It would be to punish the innocent, and to reward the guilty. Such a course would be an encouragement to insubordination and strife; and such cases as this, instead of being rare—for I am happy to believe that this is the first case in this diocese in fifty years, at least—would become lamentably frequent. We appeal with confidence to the sober judgment of this Board, to protect the rights of this rector and those of his parishioners, from the unjustifiable assault made on them by a few discontented individuals.

ARGUMENT OF MR. PRICE.

Mr. President and Gentlemen of the Board: The discussion of this case has been already long enough to weary you, and I will therefore make my contribution to it as short as the case will admit of.

The case to be considered by you, as it is derived from the pamphlets and papers which you have received as evidence,

may be thus stated: Christ Church, Germantown, was erected, and carried on to the close of the Rev. Mr. Atkins ministry there, in the interest and for the use of a congregation of Episcopalians, who adhere to what is known as Low Church polity. Then came the vacancy occasioned by the resignation of Mr. Atkins; and after some months of delay, and sundry ballotings for a new rector, the Rev. Dr. Rumney was chosen. That choice was made under a mistake. It is but just to Dr. Rumney, however, to say, that so far as we have been informed, he did not cause the mistake. There was a misunderstanding of Dr. Rumney's views of churchmanship when he was elected by the vestry, and in that way they chose a rector whose views did not coincide with their own, or with those of a number of the congregation. In this respect the choice was an unfortunate one, for it soon became apparent that with the rector for one system of church polity, and two-thirds of the vestrymen and a large number of the congregation (to say the least of it), clinging earnestly to a different system, they could not harmonize. As soon as they came to understand each other and each other's position in this respect, a difference arose between them; the difference grew into a controversy, and it so remains to this day.

Such is the substance of the case to be considered and dealt with by this Board of Reference. I do not care to look farther into the details of it at present; for, as I view the case, they are for the purposes of your limited inquiries under the canon, quite immaterial.

Before proceeding to speak of the difference itself, let me say that the action of the vestry in this business has been sharply criticized here, and there seemed to be a disposition to censure individual members of the vestry, beyond either the necessities of the case, or the true scope of the facts involved. I shall ask this Board to look carefully into the proceedings of the vestry, and then answer to themselves what better they could have done without yielding their individual status as churchmen? When the difference arose, the vestry went to the Bishop and consulted with him about it. What better could they have done? Mr. W. C. Houston's statement of that interview was read this afternoon, and you learned from it that those of the vestrymen who consulted the Bishop, were informed by him that he could not interfere in the case officially, because his hands had

then recently been tied by a decision of a civil court; but that he would write a private letter to Dr. Rumney and advise him to resign. And at a subsequent interview, the Bishop informed one or more of the vestry that he had written and sent such a letter to Dr. Rumney. The vestry then of course, believed that they had the countenance of the Bishop, and were encouraged thereby. But it appears now, that after Dr. Rumney received the letter of the Bishop, the clergy of Germantown united in a request that he would withdraw his advice to Dr. Rumney to resign the rectorship, and the Bishop did withdraw it; but the vestry were not notified of the change. All this preceded the correspondence between Dr. Rumney and the Bishop, printed in the answer; and although we have not been favored with the previous correspondence, it is admitted to have been of the tenor stated. Then from the time at which the Bishop's advice was withdrawn, the rector and vestry were at cross purposes. The Bishop acted in such a manner that each side felt assured of his favor. Is there any reason for wonder then, that the difference between vestry and rector grew in its proportions? And if it did so grow, do not censure the vestry, or any members of it, for that.

Then you come to the election on Easter Monday last. The friends of Dr. Rumney, apparently confident that a ballot of the pewholders would set all things right, made their ticket for vestrymen, issued their circulars, and called upon the voters to support Dr. Rumney. But in this they failed, and the old vestry was re-elected. And this controversy which has been sustained for more than a year, is now pledged for a year to come, for you have it over the signatures of the gentlemen who prevailed at the last election, that at the approaching Easter they will elect a vestry unanimously opposed to the present Rector, if there is no dissolution of the pastoral connection in the meantime. These are some of the characteristics of the controversy as it stands; and really there appears to be a vigorous difference, well kept up.

At this point, and in view of the provisions of the canon under which you act, let me ask—between whom does this difference exist? Looking to the possibility that controversies may arise, sometimes between the vestry and the rector, or between the congregation and the rector, the canon provides what proceedings shall be had in either case.

But they are distinct cases; and hence much that has been introduced into this case is not applicable to it. The difference in this case is between the vestry and the rector. I submit to you, gentlemen, that a difference between the vestry and rector of a church, kept alive year after year, and growing in its proportions as time rolls on, is a serious thing. The vestry of a church, is to all intents and purposes the corporate church itself, and hence this case assumes much the appearance of a controversy between the rector and the church. The Bishop, in his charge read in the Diocesan Convention of last year, discussed the subject of differences between vestry and rector, and the manner of treating them. Let me read to you a single paragraph which contains his view of the relation which the vestry bears to such difference or controversy.

"Ordinarily, the vestry represents in all things, the corporation, parish, church, congregation. The vestry elect the minister, fix his salary, and are responsible for his support. The vestry elect deputies to the Diocesan Convention. Through the vestry only, when there is no rector, does the ecclesiastical authority communicate with the several churches or parishes, and the law knows of and recognizes Episcopal Churches or parishes, or congregations, only through the vestries of the same, upon which body it would serve its processes, and by the acts of which body its corporate action would be valid and legal. Thus, for every purpose of parochial action, having reference to ecclesiastical or civil law, the vestry is the acknowledged exponent, and its acts are esteemed and counted as the acts of the parish or church."

It will be observed, therefore, that the controversy in this case is practically a controversy between the church and the rector. There is no utility in attempting to shut our eyes against this view of the case; and for the purposes of this argument, I propose to take the case as I find it, and deal with it accordingly.

I assume then, that there is a controversy—a serious and prevailing controversy, between vestry and rector, at Christ Church, Germantown Our friends on the other side do not agree with us as to the extent of it, but the controversy must be conceded to exist.

The question then arises, how should you deal with it under the canon of 1871? The canon provides that after

hearing the proofs and allegations of the parties, you are to inquire whether there is a hope, and by that is meant, a well founded hope, of a favorable termination of such controversy, and whether a dissolution of the connection between the rector and his parish is necessary to restore the peace of the church. The gist of the whole inquiry is in the first part of it, and the other would follow, one way or the other, as you determine the first.

I have nothing to say in praise of the canon of 1871. If so eminent a prelate as Bishop White could regret the enactment of an almost similar canon in 1804, and could in 1820, after sixteen years' experience under it, write that it was an evil, and that he hoped it would be but temporary, it would not become me to commend it now. But I say of the canon as I have said of the controversy, we must take it as we find it, and deal with it accordingly. This Board is organized under its provisions, and I assume, as I have a right to do, that whatever you find the requirements of the canon to be, you, who hold your commission under it, will carry them into effect. Is it a hard or impolitic canon? Will its requirements conflict with what you would wish to do in this particular case? No matter for that; it is the law of the case. You are not responsible for the consequences of observing it. It is an offspring of the assembled wisdom of the church, after the subject had been discussed in the General Convention, and it appears to me that it remains to be administered by you only according to its terms.

The canon may be an impolitic one. Perhaps it should have been entitled *to promote differences* between ministers and their congregations. I will not disagree with any one here upon such points. But we must assume that those who made the canon understood what they were doing, and intended all the natural and legitimate consequences of their act. There was not a lawyer in that convention who did not know, that just in proportion as the legal grounds of divorce from the bonds of matrimony have been increased, the number of applications for divorce have been increased. I presume also, that the clerical members of that body, not a few of whom had preached earnestly against facile divorces, knew that the evil had been brought about by increasing the number of legal invitations to them. And so, when this canon of 1871 was enacted, providing an

easy method of dissolving the connection between a minister and his congregation, the General Convention did not very much intend to discourage such dissolutions. In this connection I may also appeal to the views of an eminent contributor to the columns of the Episcopal Register, whose readily recognized communication will be found in the number of July 15th, 1871, over the signature H. Writing upon the subject now embraced in this canon of 1871, he says:

"We have already intimated that the difference which may have given rise to the desire on the part of a parish to be relieved of the services of its minister, and the gravity and irremediable character of which the Bishop with his Presbyters is the legitimate arbiter and judge, need not concern his moral worth, his soundness in the faith, or his conformity to the worship of the church. A man may be unsuitable for a particular post, against whom no accusation of transgression could be maintained. He may be slightly insane, or so eccentric that it were scarcely worse to be a lunatic. He may be a warm politician and as such, at variance with the great body of his people. He may develope, after settlement, extremes of opinion on church policy or worship very distasteful to his flock, and destructive of his good influence over them,—and in consideration of which his Bishop and his peers may be convinced that his continuance in a certain post is inexpedient, while at the same time he has committed no offence for which he ought to be brought to trial, none which precludes his settlement in another place, where his peculiarities would be less obnoxious."

The importance of this reference is as showing what were the views of one of the Presbyters who, in two months afterwards, took a prominent part in the General Convention, in favor of passing the canon of 1871, under which you are acting. And it is in the line of evidence that that Convention made the canon for just such a case as is before you now. The same Presbyter, at the convention, said of the canon, "Some such canon is desperately needed, not only for congregations, but for the protection of the clergy."

Then you have an incorrigible controversy; and you have a canon which favors a dissolution of the connection between the minister and his parish when such a controversy exists. It only remains to inquire whether there is a well grounded hope of a favorable termination of the controversy? That

inquiry should be made by you, I submit, in the interest of the church alone. There are no parties before you to be tried for anything, or even to be censured by you. Our friends upon the other side have presented their case as if they supposed you had some authority to deal with individual members of the vestry, and they have indulged in sundry expletives, which, as they come from the other side, I may call High Church expletives, against members of our Evangelical vestry. But we have not indulged in anything of the kind, and as this case first came to your notice in a temperate statement, so it shall end in like manner. The canon does not provide for any discipline to be prescribed by this Board.

I submit for your consideration, that there is no present hope for a favorable termination of the unfortunate controversy in this case, and that no ground for such a hope has been shown. The nature of the controversy forbids it. The rector and the vestry have discordant views of church polity, and he stands in opposition to the views which have always prevailed in that church from its origin. Ought that to divide a rector and vestry? It matters not; the practical question is—can you cure it by insisting that Dr. Rumney shall remain pastor of the church? You will not thus convince any one of error, or remove the radical cause of irritation; and I submit that it would be unjust to Dr. Rumney himself, to consign him to another year of such antagonism as the last year and a half has witnessed. Are the vestry likely to yield? I do not see any reason upon which to ground such a hope. The members of that body are men of settled convictions upon the subject of their church polity; they have long been members of Christ Church, and some of them were among its founders and contributed to its erection, and they do not intend to be driven away from it. They are gentlemen of spirit, who do not act hastily, but, when conclusions are formed, act positively, and are not likely to yield against their convictions of duty. This was doubtless upon the mind of my colleague when he asked whether you proposed to send the rector and vestry back to the scene of their differences, and hold them together there until one or the other should revolutionize the church, and call that peacemaking. You have no well founded reason for supposing that such a peace project will succeed. Remember too, that such an experi-

ment would be inflicted upon persons who have been educated in Christ Church, to be intolerant of church views differing from their own, a fact which abundantly appears in the statements read to you. That also is an impediment to harmony in the church. But more than that, you have the pledge, over the signatures of the voters, that the next vestry shall be in unanimous opposition to Dr. Rumney. I know it has been alleged on the other side, that two or three of those signers are Baptists or Presbyterians; but whether that be so, we know not, and do not care. What we do know about it is, that they are pew holders and members of the corporation of Christ Church, who are, we contend, entitled to vote for vestrymen, and that makes their signatures to the pledge, as important as any of the others. It is equally unimportant here, whether Mr. Charles Spencer, the warden of Christ Church, is the same Charles Spencer who is a trustee of the Arch Street Methodist Church. We know that our Charles Spencer has been a member of Christ Church for sixteen years; that he aided in the erection of the church edifice, and is so well confided in that he is the warden. Our friends on the other side have invited us into quite a number of these side issues, but we decline them, because they could serve no better purpose than to divert attention from the only inquiries which the canon of 1871 authorizes this Board of Reference to make. There is one purpose, however, for which these numerous subjects of dispute may be used, and that is as demonstrating how extended and acrimonious the controversy has become, and how utterly hopeless it is to look for a favorable termination of it until the connection between the rector and his parish is dissolved.

I take strength also from the position assumed by the advocates of the rector. They have not undertaken to point out one ground of hope for a favorable termination of this controversy while Dr. Rumney remains rector of Christ Church. They have claimed that Dr. Rumney is an Evangelical minister in one sense of the term; but in doing so, they have also shown that the vestry are Evangelical in another sense, and thus they are no nearer together than before. They have maintained that upon a count of all the families connected with Christ Church, and by counting all the members of families, including the infants born into those families since the controversy began, they have a majority

of the congregation with them. But it appears that by a similar count, and by excluding all under fifteen years of age, the vestry have a majority with them. It is not very perceptible that any useful end is to be served by such contentions as these, or that they tend to elucidate the questions which this Board is to pass upon. What has been said on the other side, about the collections not made in the church, may be referred to the same category. The vestry presented to this Board, a tabular statement of the collections made in the church, for specified objects, averaged from 1865 to 1869 inclusive; and, by way of contrast, the collections in the church, in 1871, for the same objects. The collections in the Sunday schools, and contributions of members of the church, made outside the church, were excluded from both statements. The contrast which this tabular statement exhibited, was rather striking, and it struck our friends on the other side considerably. It was plain enough that the collections in the church, since Dr. Rumney came there, had fallen off largely. The statement, made from the books of the church, was a stunning one; it was felt, and it drew hard words from the other side. But how do they attempt to get over it? Why first, by showing that the vestry's statement of collections in the church, is substantially correct; then by adding to the church collections of 1871 only, the Sunday school collections of the same year, and then by adding to those again, the private personal contributions to special objects, made outside the church, by persons who are members of the church. It is thus that they make the church collections of 1871, appear to be greater than those of former years, when they are manifestly very much less, and the statement of the vestry, is called disingenuous. Take for example, Mr. Houston's contribution to the Evangelical Knowledge Society, or Mr. Drake's, to the Foreign Missions, or Mr. Spencer's, to the Evangelical Education Society, as set forth in Dr. Rumney's answer, from the books of the respective Societies. These are, separate and apart from the credits to Christ Church, credits to those gentlemen by name, for their respective contributions. They did not, and would not make their contributions through Christ Church. Yet, against the will and the act of each of these gentlemen, we are now told for the purpose of weakening the vestry's statement, that you should consider those as parts of the collections made in the church. It would be useless to pursue

these subjects further, and I have only adverted to them as showing how difficult it is to find the parties in agreement upon any subject relating to their church affairs. It is certainly to be regretted that the controversy has become so far chronic that there appears to be but one cure for it.

The precedents read by my colleague, all of them under a canon very similar to that of 1871, have been uniform. In each of those cases the minister was relieved of his charge, and why? Because the inquiry being made in the interest of the church, and not in the interest of the parties to the controversy, it was plain enough that the church must be the chief sufferer by a continuance of the controversy. Hence, if the controversy was one that could not be healed at once, it was thought wise that the minister should withdraw from it, and in each of those cases the Board of Reference so recommended. It was doubtless considered also, that as the clergyman could not succeed with his work in a divided church, he should withdraw to a more promising field of labor.

If this Board of Reference, following the provisions of the canon and the precedents, shall conclude that in view of the long duration and incorrigible nature of the controversy in this case, it is best to recommend a dissolution of the connection between the rector and his parish, you may place the parish upon terms. The vestry proffered terms in the beginning, as will be seen from their statement, and have all along been willing and ready to be liberal. It is not for me to attempt to prescribe the terms. I may suggest, however, that the precedents may aid you in this matter. In Dr. Ogden's case, the Board of Reference imposed that the church which they recommended him to leave, should secure him two hundred and fifty dollars per annum for life; and in Dr. Jervis's case, the round sum of five thousand dollars was imposed. My clerical friend on the other side, treats this as a pecuniary consideration to a rector for giving up his charge, and as such, disdains it. But you may depend upon it, gentlemen, that the General Convention of the church did not so consider it when that provision was inserted in the canon, or it would not be there. There is a wide difference between a rector withdrawing from a parish under a pecuniary inducement to withdraw, and a rector withdrawing from a sense of duty to the church at large, and in obedience to the recommendation of a Board of Reference composed of his

brother Presbyters, after they have given due consideration to the subject. And it is a mistake to assume that the rector would in such case, withdraw with discredit, for the inquiry is only as to his longer usefulness in that particular parish. His views of church polity, the only source of trouble here, are not discreditable to Dr. Rumney; nor does it reflect upon him that he and his vestry are not in accord on that subject. A withdrawal of Dr. Rumney from Christ Church upon terms imposed by this Board, would not, therefore, be a withdrawal in any other interest than that of the church at large, and could not properly subject him to reflections of discredit. And it may be worthy your consideration also, that the power of the Board of Reference to impose terms upon the parish in such cases, is the only means given to them by the canon, by which they may discourage such cases, if that be thought desirable.

It is gratifying to know that this case has its pleasant side, as well as its painful one. The pleasant side is that in all this controversy there is no accusation of Dr. Rumney, and nothing urged to his discredit. The statement of the vestry, which initiated this proceeding, will be found to be a clear and temperate narrative of the difference which had grown up between the rector and themselves, with reasons why it should be terminated by Dr. Rumney's withdrawal. The painful side of the case is, that it should become necessary for the sake of the church, to bring and parade the difference here, and seek the action of this Board to determine it. You have seen from the evidence presented here, that the controversy is a serious one, and that the nature and characteristics of it are such as to leave no hope of a favorable termination of it at present. If their case is such as the proofs and statements appear to make it, would it not be unjust to Dr. Rumney as well as destruction to the cause of religion in Christ Church, to require him to remain its rector? Would it not be best to recommend that he relieve himself from so unpleasant and unprofitable a position as that which he now occupies? I refer you again, gentlemen, to the provisions of the canon under which you will make the inquiries, and urge that inasmuch as it imposes the duty upon you, you will not for any reasons not contemplated by the canon, fail to carry it into effect.

Upon the conclusion of Mr. Price's argument, the Board of Presbyters adjourned, to meet at the call of their President.

FIFTH DAY'S PROCEEDINGS.

The Board of Presbyters met in the vestry room of the Church of the Epiphany, on Monday, March 11th, 1872, at 3 o'clock P. M.

Present—The Rev. Dr. Beasley, Rev. Dr. Yarnall, Rev. Dr. Miller, Rev. Mr. Perry.

The complainants and their counsel.

The respondent and his counsel.

The proceedings were opened with prayer by the Rev. Dr. Beasley.

The decision of the Board was then read by the chairman, the Rev. Dr. Beasley, as follows:

The Board of Reference, selected by virtue of the terms specified in Canon IV. "Of differences between ministers and their congregations, and of the dissolution of a pastoral connection," having heard and considered the allegations and proofs in a controversy between the vestry of Christ Church, Germantown, and the Rev. Theodore S. Rumney, D. D., rector of said parish, have reached a satisfactory conclusion; and as this case is the first one presented, certainly within this diocese, the board will briefly state their views of the duty imposed upon them by the canon, and then the opinion which, after mature deliberation, they have formed concerning the present controversy. The object of the canon is undoubtedly to settle in an equitable manner the question of the dissolution of the pastoral connection. The cause which may or may not lead to such a result is a difference or differences between ministers and their congregations.

The history of the canon makes it evident that it is intended for the relief of a congregation whose pastor, from some cause not involving his moral or Christian character, is disqualified for usefulness in the position he occupies, as, for instance, to quote the words of Bishop White, "From a

leaning to practices very different from those of his church, or on account of insanity, or hastiness of speech and temper, such as alienates from him the affections of his flock and weakens his influence, or by reason of great peculiarities of temperament, or of an overbearing disposition, or a desire to take all the authority upon himself in the management of the temporal concerns of the congregation."

It is fair to assume that this canon is not intended to be in conflict with the other enactments of the church; that its object is to promote the peace and edification of the members of our churches, and to protect both clergy and laity from any invasion of their rights so long as they continue to show a faithful regard to the orderly and established usages of the church, its forms of worship and its statements of doctrine, and afford, both in life and conversation, a wholesome example to the flock of Christ.

It is a settled principle of the civil law that a denomination of Christians who associate themselves together for the worship of Almighty God, according to a particular form of faith, shall not only be protected in the enjoyment of their rights, guaranteed by the charter and canon of the church, but that this protection shall extend to a single faithful member, who may hold the church property against any number of persons, no matter who they may be, and who may join together for the purpose of destroying the particular form of faith and church worship heretofore established.

In the case before us we have the statement of the vestry of Christ Church, Germantown, concerning their controversy with the rector.

It is undoubtedly true that, for ordinary purposes, and in a general way, the vestry represent the congregation. But they may *not* do so, and hence, in the second section, the canon declares that a majority of the Presbyters, in a certain contingency, may recommend to the Bishop a dissolution of the pastoral connection, not only when there is no hope of a favorable termination of the controversy, but when they are

also of the opinion "that a dissolution of the connection between such rector or assistant minister, and his parish or congregation, is necessary to restore the peace of the church and promotes its prosperity."

It is necessary, therefore, to prove not only that differences exist, but also that they affect the peace of a church and its prosperity. It must be shown, moreover, that the controversy is not only between the vestry and the rector, but that the vestry herein represents the majority of the congregation.

To apply these principles to the case before us:—

First. We have the allegation that the parish of Christ Church, Germantown, was founded as a Low Church, as a representative of the evangelical party in the church. But it was also founded as a parish of the Protestant Episcopal Church. There is but one Protestant Episcopal Church in this country, and it is bound together by a constitution and canons, General and Diocesan. Whatever motives may have influenced the founders of this particular parish, every member of it owes allegiance to a church one and indivisible, the "Protestant Episcopal Church in the United States." The Board, therefore, in their official capacity, are unable to recognize this parish as owing its allegiance to a particular party rather than to the whole church.

Nor can we perceive any evidence from which we can determine that this rector was "unseen, unknown, unheard," in the sense in which these words are used by the complainants; for, although he was unknown by the members of the congregation at the time of his election, before he entered upon his duties as rector, an abundant opportunity was offered for objection to him, and none was then made.

It is alleged that he has admitted to his pulpit others than those known as evangelical ministers. It does not appear that the persons so admitted were not clergymen of respectable standing in the Protestant Episcopal Church, and therefore this cannot be urged as a fault against the rector. It

appears, moreover, that these admissions were in accordance with the desire expressed by the Bishop, whose godly counsel the rector is bound to respect.

Nor does it seem to the Board that the allegation is sustained that Dr. Rumney himself is not an evangelical divine in the ordinary acceptation of that term.

The claim to this distinction is definitely made for the rector by his counsel (p. 12), and it is to be presumed with his approbation and consent; and, certainly, no higher testimony can be asked on behalf of any clergyman than such words as these from the Bishop of the diocese:—"I have confidence in your piety, your honesty, your fidelity to Gospel truth, and in your single desire to win souls to Christ."

The Board of Reference do not find the allegation well sustained that the rector has been wanting in his support of the evangelical societies of the church. The evidence on the other hand is that he caused regular collections to be made in the church on their behalf. Nor has it been maintained or proved to the satisfaction of the Board that the church is falling off, or that it is in a paralyzed condition. On the contrary, the number of pews and sittings that are rented, the number of those confirmed, and of the scholars attendant upon the Sunday-school, and the amount of the gifts to charitable objects from the members of the congregation, all testify to the flourishing and prosperous state of the parish.

No proof has been given that a fair majority of the congregation desire of their own accord the dissolution of the pastoral connection. It is not, therefore, established that the present vestry in this respect represent the larger portion of the congregation.

The Board feel compelled to add that, while the vestry have presented no charges against the rector, nothing in this whole investigation has caused them to question his amiable and conciliatory disposition, his sympathy with views gen-

erally known as Evangelical, nor his eminent qualifications for usefulness in the parish over which he is placed.

Taking also into consideration the Christian character and high standing of the gentlemen who compose the majority of the present vestry, the Board of Reference are of opinion that a favorable termination of the controversy may be hoped for. We are not to suppose that any but grave and reasonable causes of alienation can prevent the "hope of a favorable termination of such a controversy" as may exist between the pastor and people of one of our congregations. The conviction on the mind of one or both of the parties that it must be irreconcilable, is by no means satisfactory proof that it cannot be terminated.

The continuance may have been prolonged by the expectation that it must ultimately secure the removal of the rector. In that case the decision of the Board of Presbyters that there are no causes of controversy but such as Christian men should remove, for the love of charity, must be accepted as a most probable assurance that peace will be restored. We must necessarily assume that they are open to the conviction that they have unduly magnified the importance of the circumstances which have been the source of contention. To imagine that they cannot make great sacrifice of prejudice and of temper when they are demanded, would be an assault on their religious character.

We cannot weigh the disturbance between pastors and members of our churches in order to judge of their probable continuance, through human infirmity, as we would those of men who do not profess to submit themselves to the will of God. How great would be the wrong which we should thus inflict! Thus doing, we should be forgetful of the Power who rules over the breasts of all who seek His help.

We should forget His precepts who commanded a holy charity, and all other means which He has provided in His love to produce meekness, and that pure heart, by means of which we love one another fervently.

For the reasons assigned, the Board decides that a dissolution of the connection between the Rev. Theodore S. Rumney, D. D., rector of Christ Church, Germantown, and his parish or congregation, is not necessary either to restore the peace of the church, or to promote its prosperity.

F. W. Beasley,
Thomas C. Yarnall,
Thomas F. Davies,
James De W. Perry, Jr.

The Rev. Dr. Miller dissented from the decision of the Board.

The Board then adjourned *sine die.*

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